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Ontario. Legislative Assembly.

Standing Committee on Regulations
and Private Bills.

Debates

34th Parl.

2nd Sess.

1989-1990



No. T-1

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Regulations and Private Bills
Organization



Second Session, 34th Parliament
Wednesday 18 October 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 18 October 1989

The committee met at 1012 in committee room 1.

ORGANIZATION

Clerk of the Committee: Honourable members, it is my duty to call upon you to elect a chair. Are there any nominations?

Mr Tatham: I move Mr Callahan.

Clerk of the Committee: Are there further nominations? There being no further nominations, I declare the nominations closed and Mr Callahan elected chair.

The Chair: Thank you very much. The next duty is to elect a vice-chair. Do we have any nominations for the position of vice-chair?

Mr Tatham: I move Michael Ray.

Mr Sola: Charlie Tatham has moved Mike Ray.

The Chair: All right. Mr Tatham has moved Mr Ray. Are there any other nominations for vice-chairman?

Mr Neumann: Clarify which Mr Ray it is.

The Chair: Oh, I am sorry. Michael Ray. Seeing no other nominations, I declare Mr Ray vice-chair. Congratulations, Mr Ray.

I might add for the record that I spoke to Mr Jackson and he informed me yesterday that there would not be a Conservative member in attendance and that we could proceed with the organizational meeting in the Conservatives' absence, so I thank them for their kindness in that regard.

Mr Ray, you have a motion, I believe.

Mr M. C. Ray: I move that Mr Callahan, Mr Morin-Strom and a Progressive Conservative to be named compose the business subcommittee, that the said business subcommittee meet from time to time at the call of the chairman to consider and report to the committee on the business of the committee, that substitution be permitted on the business subcommittee and that the presence of all members of the business subcommittee is necessary to constitute a meeting.

The Chair: Mr Ray, I think your name was to be included in that as well, so maybe we could add that as having been included in the original motion.

Mr M. C. Ray: Very well.

The Chair: The motion is setting up the subcommittee, to consist of myself, the vice-chair, Mr Morin-Strom, and a Conservative to be named later.

Motion agreed to.

The Chair: I think you have all had some background material handed out to you. Are there any questions on the second report? If there are, Philip Kaye is here and we can—If you do not have the reports, do you have a copy of the background material for the standing committee on regulations and private bills? Do you want Mr Kaye to give us a quick run-down on that second report? That would be helpful to the members of the committee. Mr Kaye, if you—

Mr Morin-Strom: I would like to know why we are dealing with matters when we have not determined what our agenda should be.

The Chair: That is the next item.

Mr Morin-Strom: It sounds like you are starting to deal with a report when we have not determined what the agenda is going to be.

The Chair: I am not sure that all the members are the same who were on the previous committee and I think for their benefit it might be helpful to have that information while Mr Kaye is here.

I know what you are saying. I think the subcommittee itself will deal with the future agenda and that will contain a number of things that I have already discussed with the clerk, but I think the subcommittee should make that decision and then put it before the full committee.

We have Mr Kaye here, and for those members who were not on the previous committee, I think it might be helpful.

Mr Kaye: The committee's second report of 1988 was very different from other reports produced by this committee. It is really subtitled the Report on Regulatory Reform. It was based on eight days of public hearings in March 1988 and was tabled in the House in June 1988.

Under the Regulations Act and the standing orders, this committee has to review every regulation that is published in the Ontario Gazette. The Regulations Act says that the committee has to review the regulations "with particular reference to the scope and method of

the exercise of delegated legislative power," so the committee checks to see whether or not certain guidelines have been complied with. The guidelines are very technical and do not deal with the policies underlying the regulations. A report on the 1987 regulations was tabled earlier this year.

This report on regulatory reform is very different, as I said, from a committee report looking at the regulations that are filed in a particular year. It looks at issues surrounding the regulation-making process and it does not focus on specific regulations.

I thought I would just highlight a few of the chapters in this report. At the beginning there is a discussion of principles for reforming the regulation-making process, and three principles are identified. They are fairness—dealing with improved public participation; accessibility—that there be greater accessibility by the public; accountability—dealing with more effective parliamentary scrutiny. Throughout the report these principles are raised.

One of the key chapters in the report deals with a concept known as notice and comment, which is a concept used in regulation-making materials that refers to procedures for giving the public notice of proposed regulations and allowing the public the opportunity to comment on the proposed regulations.

Ontario does not have any general statute imposing notice and comment procedures. Such procedures, however, have been inserted in a few statutes, for instance, the Occupational Health and Safety Act and the French Language Services Act.

The committee felt that the concept of a general statute best met the objective of improving public participation without impeding the efficient operation of government. Accordingly, the committee recommended an amendment to the Regulations Act that would provide for notice and comment procedures that would apply to all proposed regulations, subject to certain exceptions. Some of the components of this amendment to the Regulations Act are found in recommendation 1 in the report and they include a requirement that there be a plain-language summary of the proposed regulation and at least 30 days for submitting comments.

Another chapter in the report deals with a concept known as disallowance. This concept denotes the power of legislators to vote the repeal of regulations. Right now, members may pass a resolution stating that a regulation should be

revoked. The resolution, however, does not have any binding effect.

The committee noted in the report that the power to recommend can prove inadequate. For instance, in a report, this committee can recommend that a regulation be revoked if it is not authorized by the statute under which it is purported to be made, but there is no guarantee of a debate or vote on the report. In effect, the recommendations of this committee, when it comes to regulations, have no teeth. They are not binding on anybody.

The committee considered disallowance to be an essential component of parliamentary control over the regulatory process. The committee felt that for a disallowance procedure to be effective, two things were necessary: first, it had to be stipulated that the disallowance of a regulation meant the repeal of the regulation; second, there had to be some means to force a vote on a motion for disallowance after the House had had a reasonable time to consider the motion. What the committee recommended was an amendment to the Regulations Act to add procedures for the disallowance of regulations.

Under the amendment, this committee would have the power to make a report to the House containing a resolution that a specified regulation or part of the regulation be disallowed. Once the report had been tabled in the House, a vote would have to be held within the next 20 sitting days; otherwise, the report would be deemed to have been adopted.

The Regulations Act would state that the adoption or deemed adoption of the report have the same effect as the repeal of the regulation. So if the report was tabled and it was ignored, the report would be deemed to be adopted.

Mr Mackenzie: I do not know whether there is time or not, but I would like to ask a question.

I guess it is hypothetical, but not quite so hypothetical either. We have long argued that one of the problems we have with a new piece of legislation—I guess classics could be Bill 162 or Bill 208 and some other bills I can think of—but one of the problems is that we do not know exactly how to interpret a section of that bill without seeing the regulations and we rarely get the regulations when we are debating and passing a bill in the House.

If we had the regulations, even though it is after the passage of that bill, and we took the position that a regulation either made it difficult or raised some question as to how you would interpret the bill that we had passed in the

Legislature, does that mean we could then at this committee object to that particular regulation?

The Chair: I do not think it goes that far, does it, Mr Kaye?

Mr Kaye: No. I think the committee, when it was talking about the power to disallow regulations, was not concerned with looking at regulations from any policy perspective, because this committee does not have the mandate to look at any policy on notice—

Mr Mackenzie: Yet, technically, are we not supposed to pass the regulations or deal with regulations? Is that not part of the committee's role?

Mr Kaye: The committee reviews the regulations after they have been filed with the registrar of regulations and published in the Ontario Gazette, so the review is really after the fact.

Mr Mackenzie: At that point, what is the value of the review if you could not raise questions about a particular regulation?

The Chair: Excuse me, Mr Kaye. My recollection is that I do not think even Ottawa went that far. What they did was that they reviewed it to see that it met the tests of fairness and—

Mr Mackenzie: I am not sure it is a question of how far Ottawa or anybody else went. I am simply asking, if our role is to review the regulations, to what extent can we question them?

The Chair: If the clerk has referred me to the standing order that really governs what authority we have, it would be simply to review them to make certain they do not offend against standing orders 104(k)(i) to (ix). I will give you a chance to get to that.

Mr Morin-Strom: What page is that?

The Chair: That is page 35, if you have the grey book. I can read them to you if you would like.

Mr Mackenzie: It is quite all right. I can do that myself.

The Chair: Okay, but those are basically our parameters. What we were trying to do beyond that was to make certain that before the regulations were passed, the people who might be affected by them had, number one, an opportunity to be aware of them, and number two, an opportunity to voice objections if they had some objections to them. Then we needed some powers, Mr Kaye has said, to try and force that to take place, and that was the question of disallowance. Is that fairly accurate?

Mr Kaye: The power of disallowance would deal with a situation where the regulation was already in force and the committee felt the regulation was invalid.

The Chair: Because it contravened the notice provision or the standing orders?

Mr Kaye: Not so much that it would contravene the notice requirements, but that, for instance, it would not be authorized by the statutes. So it is more a compliance with the standing orders as opposed to the notice requirements.

Under the committee's proposals dealing with notice and comment, the public would have an opportunity to comment on regulations before they came into force, but the comments would not be directed to this committee; they would be directed to whatever authority was proposing the regulation.

When we are talking about the disallowance power, that is a power that would apply when regulations had already been made. The committee would have reviewed a regulation; found, for instance, that the regulation was not authorized by the statute; tabled a report in the House saying, "This regulation should be amended in order to comply with the statute," and the report had been ignored. What does the committee do under those circumstances? Does it just go on tabling reports and having these reports ignored?

It was felt that with a disallowance power, the committee could submit a report with a resolution saying: "This regulation should be disallowed because it is not authorized by the statute, and if you ignore this report, if within the next 20 sitting days you don't even hold a vote on this report, the Regulations Act will state that the report is deemed to be adopted and the regulation is repealed. So you cannot ignore a report of this committee."

But the disallowance power would only deal with technical-legal matters; it would not deal with policy considerations. Since this committee was established—it was established in 1969 and it has been reviewing regulations on a systematic basis since the late 1970s—it just has not dealt with policy matters.

So the criteria the committee applies are included in the standing orders. The second one says that the regulation has to be in strict accord with the statute. Another one, for instance, is that the regulation should not have retrospective effect unless clearly authorized by the statute. But the guidelines do not allow the committee to look at the policies underlying regulations.

Mr Mackenzie: I am just in the process, as some of my colleagues are, of taking a fairly extensive look at the regulations which we have now in regard to Bill 162, and there are a number of questions in terms of those regulations. Where do the injured workers or the labour movement question those particular regulations that relate to that particular bill?

Mr Kaye: One thing the committee did recommend in this report on regulatory reform was that other standing committees look at the merits of regulations. There is a specific recommendation to that effect in the report. It is recommendation 13.

The Chair: Number 13 on page 8.

Mr Kaye: It says, "The standing orders should be amended to authorize standing committees, of their own motion, to review the merits of regulations."

When the standing orders were substantially revised this year, there was an amendment that I believe may allow standing committees now, of their own motion, to review the merits of regulations. That is the new standing order 106. This standing order says "Standing committee set out in certain clauses"—and these clauses refer to four standing committees: the standing committee on administration of justice, the standing committee on general government, the standing committee on resources development and the standing committee on social development—"shall, in addition to any other powers granted to them, be authorized to study and report on all matters relating to the mandate, management, organization or operation of the ministries and offices which are assigned to them from time to time."

So it is possible that an argument might be made that this new standing order authorizes at least these four standing committees to look at the merits of regulations.

1030

Mr Mackenzie: I will pursue it further on my own.

Mr Kaye: That is a brief summary of the two major issues raised in the report: notice and comment, and disallowance. There are several other issues raised. I do not know if the committee wishes me to review those briefly now or at some other time.

The Chair: I think we should do it now, while you are here, for the benefit of those who were not on that committee when this issue was being debated.

Mr Kaye: Another chapter in the committee's report dealt with the mandate of this committee. As already mentioned, the committee checks to see whether or not certain guidelines stipulated in the standing orders have been complied with when reviewing regulations. The committee wanted to add two guidelines to the existing nine.

One of the additional guidelines would state that regulations should be in conformity with the Charter of Rights and Freedom. This guideline actually is being applied right now and was applied by previous counsel to this committee. The reason it is applied is that the guideline on the statute authorizing the regulation has been interpreted to mean that the statute is authorizing regulations that have to comply with the Charter of Rights. The second guideline the committee wished to add was that regulations should not make any unusual or unexpected use of delegated power.

As I mentioned, the committee felt that standing committees other than this committee, of their own motion, should be able to review the merits of regulations. The committee recommended that its mandate in the Regulations Act be expanded in two ways to allow this committee to deal with bills in addition to regulations. Both of these recommendations are very far-reaching.

One of the recommendations was that the enabling clauses in the bill, the clauses in the bill conferring regulation-making powers, would be looked at by this committee. So you would have a standing committee considering a bill and this committee would have the bill referred to it to look at the enabling clauses in that bill. Then this committee would advise the standing committee considering the bill whether or not the enabling clauses contained what might be termed overly broad or vague enabling powers.

Second, this committee wanted to scrutinize bills for compliance with the Charter of Rights. The committee would then advise the standing committee considering a bill whether or not the bill contravened the charter. So there were two aspects of bills that would be referred to this committee: first, the enabling clauses and, second, compliance with the charter. This committee would have an alerting function in those two areas.

Another recommendation has to do with the definition of "regulations" in the Regulations Act. All regulations that fall within the definition of "regulation" in the Regulations Act have to be published in the Ontario Gazette and are permanently referred to this committee.

The committee recommended that policy directives of a legislative nature should be published in the Ontario Gazette and be subject to this committee's scrutiny. Accordingly, the committee recommended that the definition of "regulation" be amended. The committee did not question the need for policy directives, but rather what it termed their "secrecy."

Chapter 5 of the Report on Regulatory Reform dealt with technical amendments to the Regulations Act. It also looked at a section of the Interpretation Act which conferred a general regulation-making power. The committee recommended the repeal of this section in the Interpretation Act.

Another chapter concerned the way in which regulations are published in the Ontario Gazette. This is a chapter entitled "Regulations: Form and Access." The committee recommended that an explanatory note accompany every regulation in the Gazette. The note would give a plain-language summary of the regulation, state the reasons for the regulation and designate a contact person. The committee did point out that one alternative to an explanatory note that the committee might wish to explore would involve a compendium of background information on a regulation. The compendium would be available to the public from a contact person whose name would be published in the Gazette. The explanatory note would form part of the compendium and would not be published in the Gazette.

Another chapter dealt with land use regulations under the Planning Act, the Parkway Belt Planning and Development Act, and the Niagara Escarpment Planning and Development Act. Most of the regulations under these acts affect particular parcels of land and are of interest primarily to the owners of the parcels in question; yet all the regulations are filed with the registrar of regulations and published in the Ontario Gazette. The committee proposed a system for processing these regulations that would exempt them from the filing and publishing requirements in the Regulations Act.

Chapter 8 of the report focused on sunset clauses. It was pointed out in the chapter that sunseting can assume different forms, ranging from sunset laws to administrative procedures for the review of legislation. The committee recommended an amendment to the standing orders to require standing committees to evaluate the effectiveness of regulations on a rotating basis. The goal was a systematic review of all regulations over a seven to 10-year cycle. It was also felt that before making or recommending a

regulation, ministries and agencies should consider whether or not a sunset provision would be appropriate.

Finally, the committee recommended that the government develop a citizen's code of regulatory fairness. This code would stress the government's commitment to fairness, accessibility and accountability. That is basically a summary of the report.

The Chair: Any further questions? Many of you may not have had an opportunity to read the report, and I would certainly encourage you to do so. We could have Mr Kaye back at another meeting if you do not have any questions at the moment.

Mr Tatham: Where are the reports?

The Chair: The clerk will make copies available to you. The question that we are going to have to deal with is, should we follow up on the second report, and if so, how? When you are reviewing the report, you might want to consider that. I am not going to ask for specific direction at this time, because I think some of you may not have seen the report.

Mr Morin-Strom: I was going to suggest I do not think we can deal with this without notice and without the Conservatives' help.

1040

The Chair: Okay. That is something we can perhaps lay before the subcommittee and have it say yea or nay and give it priority as to when it would come back before us, but I would urge all of you to read that report. I think Mr Fleet and the committee of the day did an excellent job in terms of looking into the question of what are called "silent laws." They really are silent laws because they do not go through the Legislature; they are enacted through cabinet, basically.

The second item that is raised—this is on the private bills side of our mandate—is that there are costs entailed in bringing a private bill before this committee. The difficulty we have had is that there are a few people—correct me if I am wrong here—who have failed to pay us. That does not present a problem when the bill is presented by a lawyer because there are certain ethical requirements under the Law Society Act whereby if bills are not paid by lawyers, they can be urged, under severe penalties, to pay.

The difficulty we have, though, is in those cases where we do not have any teeth. How do we go about doing it and is it worth the exercise, or in the alternative, should we be requiring the posting of some form of a deposit from which

these costs could be extracted to avoid the necessity of having to have this happen?

Mr Tatham: How many people have you followed? What has been the history?

Clerk of the Committee: What generally happens is that there are approximately six people per sitting who do not pay their fees. What we did in the spring was to threaten to rescind the bill, and in fact there was a motion passed in this committee to rescind a bill for nonpayment. That bill was subsequently paid because they were in litigation and the third party did not want to see the corporation dissolved.

At this point, because that motion was passed, we now send people on their third or fourth notice a letter that says this committee may rescind the bill, which tends to get most of them to pay up. At this point, we are left with one \$1,200 bill that has not been paid because the bill was not reported out of committee. We therefore have nothing to rescind and the parliamentary agent was not a lawyer.

The Chair: We are talking about costs ranging from \$800 to \$2,000. It is not peanuts.

Mr Mackenzie: Can I ask you how we can deal with that at this meeting when the third party is not here? Do they have this agenda, that this item would be on and so on?

The Chair: You may have raised a significant point, because although Mr Jackson and the other members indicated to me that they would not be in attendance, I would imagine they probably would have presumed that this was simply an organizational meeting.

Mr Mackenzie: It has not been an organizational meeting at all and they would not be aware of the stuff you have on the agenda here.

The Chair: I am not asking you to deal with it. I am simply bringing it to your attention so that you can think about it. We will have the subcommittee review this and set a day when we can take some formal action on it. Just tuck it away, if you would.

Mr Tatham: I would like to have a record of what has taken place before I pass judgement on something like this. I would like to know what has been the performance of these people who have come in front of the committee in the past number of years.

The Chair: All right. I will ask the clerk if she will provide that.

One further item is the question of revivals of corporations. If a corporation does not make certain filings within a five-year period, presently it has to come before our committee to have the

corporation revived. This can happen for any number of reasons. It can happen because they have overlooked it, their lawyer has overlooked it or whatever. It provides for some interesting situations, as occurred when I was chairing this committee back in 1985.

The difficulty that arises is that the cost to the corporation of reviving through a private bill is significant. "The necessity of engaging a parliamentary agent (generally a lawyer) and the time that is taken up by the committee on these matters that are essentially just 'rubber-stamped' have caused the committee some concern."

There was a survey taken of other provincial legislatures: Saskatchewan, Yukon, New Brunswick, Alberta, British Columbia, Nova Scotia, Quebec, Manitoba, Prince Edward Island. You have copies of what I am reading from. Basically, they either have no private bills committee or revivals are dealt with in a pretty simple fashion that I have brought before the committee.

I do not know whether you want to continue to maintain that authority or whether the committee should consider recommending to the Minister of Consumer and Commercial Relations (Mr Sorbara) that revivals be dealt with solely under corporate legislation. At present, under existing legislation, if the revival is brought within five years, they need not come before us at all. They just make the proper filings and the ministry automatically revives their charter.

I guess what we are really asking is, should we be spending time doing that when more often than not it is a rubber stamp, or should we simply let the ministry expand the time limit for doing that to some larger period or perhaps not have any limitations at all? I would ask you to think about that. That is another item we will take up with the subcommittee.

When a private bill comes before this committee, it already has been referred out to the various ministries that might be affected and they will comment on it. In the previous committee, some of the members had asked whether the ministry's comments could be provided in written form prior to a committee hearing. Sometimes it would happen that we would get them simply on the day of the hearing and that created some problems.

"Currently the parliamentary assistant to the Minister of Municipal Affairs attends committee meetings to comment on municipal bills. There is no formal process in place to require attendance of other ministry officials for nonmunicipal bills. They are, though, informed of all bills that

impact on a ministry and invited to comment. We do not compel them to comment. In addition, each ministry's briefing material is prepared for its own purposes as it sets out advice to the minister or the parliamentary assistant regarding policy.

"The applicants are asked to provide in their compendiums a statement as to the effect, if any, that the bill might have on public legislation."

There again is another issue I would just draw to your attention. You might want to think about it. We will take it before the subcommittee.

"If the committee so requests, how can it get information on the impact of any given private bill on existing public legislation and policy?" So that is another item.

The final item is applicants being required to attend before this committee. If the bill is noncontroversial, and because it may require bringing people in from the hinterlands of this province and because of the costs entailed in it, the committee might want to look at the question of noncontroversial issues. Should applicants be required to attend or could the committee in fact deal with the matter in the absence of the applicant?

The question that naturally arises is, if it comes here and we have made a decision that it is noncontroversial and somebody decides it is not noncontroversial, then I think we could simply adjourn the matter, so advise the applicant and bring the applicant forward to answer whatever questions were necessary. If it is a noncontroversial item, then I think it is unfair to bring these people considerable distances and add to the already significant expenses I have outlined to you to you that it costs an applicant to come forward.

Those are items that I just bring to your attention and you might want to think about them. We will take them up with the subcommittee. I am sure the subcommittee either will recommend all of them or some of them, perhaps, to the full committee and at that time I would hope we could make some decisions on it.

You have next week's agenda. We have six bills on the agenda. We only sit from 10 am to 12 noon. Until we change our policy, people are here either to speak to the bill or to act in favour of it. I think, as a matter of courtesy to them, I would like to ask all members of the committee to be here promptly at 10 am so that we can get started. Also, if members of any caucus are going to have any difficulty, I would appreciate if perhaps they could let the clerk know and

indicate that we could proceed without their attendance, unless it is a matter of controversy, of course. Then we would understand that the member of whatever caucus would ask that we not so proceed.

Finally, I would add that this committee traditionally is truly nonpartisan. We are here as members to scrutinize, in our regulatory capacity, the question of whether or not the regulations meet with the standing orders and perhaps even in a broader framework at some later date.

The private bills legislation is really something that people from the public are coming and asking us for. Although I cannot rule as chairman that we be nonpartisan, I would hope that we could be to accomplish some of the work we have to carry out. On some days, those two hours will not be enough to complete the bills. Considering the fact we sit only once a week for two hours, there are people who are going to be affected by that legislation and would like to see it passed within the current session, because if it does not get on in the current session, it goes over and has to be dealt with in a subsequent session. Are there any questions?

Mr Neumann: I am not a regular member of this committee. I am just substituting for Mr Ruprecht this morning, but I thought I would add some information.

During my first year here at Queen's Park, I was parliamentary assistant to the Minister of Municipal Affairs. It was my job to come before this committee whenever private bills were before the committee and bring the view of that ministry. I am not sure if this still happens, but it was also my responsibility with the staff in that ministry to co-ordinate the responses of all the ministries. I remember quite frequently reading out and commenting on the response of the Ministry of Health or the Ministry of Education or whatever ministry it was. The parliamentary assistant to the Minister of Municipal Affairs sort of played that government spokesman role with the understanding of the other ministries.

The Chair: That was my recollection. Mr Offer, I think, was the parliamentary assistant of somebody—I cannot remember whose—but he was the one who used to always comment on the bills.

Any other questions or information? Seeing none, we will adjourn then until next Wednesday. I would ask you again, 10 o'clock.

The committee adjourned at 1054.

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Bossy, Maurice L. (Chatham-Kent L)

Jackson, Cameron (Burlington South PC)

Kanter, Ron (St Andrew-St Patrick L)

MacDonald, Keith (Prince Edward-Lennox L)

Mackenzie, Bob (Hamilton East NDP)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Pollock, Jim (Hastings-Peterborough PC)

Ruprecht, Tony (Parkdale L)

Tatham, Charlie (Oxford L)

Substitutions:

Neumann, David E. (Brantford L) for Mr Ruprecht

Sola, John (Mississauga East L) for Mr MacDonald

Clerk: Freedman, Lisa**Staff:** Kaye, Philip J., Research Officer, Legislative Research Service



Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Regulations and Private Bills

East York-Scarborough Reading Association Inc Act, 1989

Astcam Co Limited Act, 1989

Ontario Home Economics Association Act, 1989

City of Guelph Act, 1989

Toronto Baptist Seminary and Bible College Act, 1989

Grand Valley Railway Co Inc Act, 1989

Second Session, 34th Parliament

Wednesday 25 October 1989

Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 25 October 1989

The committee met at 1006 in committee room 1.

EAST YORK-SCARBOROUGH READING ASSOCIATION INC ACT, 1989

Consideration of Bill Pr48, An Act to revive East York-Scarborough Reading Association Inc.

The Chair: I recognize a quorum. The first matter on our agenda for this morning is Bill Pr48, a revival application. Mr Polsinelli is not here. Mr Kanter, would you be good enough to introduce the people involved with that bill?

Mr Kanter: I can introduce the people and I guess they presumably can introduce the bill. Could Donald Grant and Michael Francone step forward and introduce the bill?

The Chair: If you gentlemen would just have a seat and perhaps just introduce yourselves for purposes of Hansard, I would ask members of the committee if they have any questions or any difficulties with this application.

Mr Mackenzie: I have no difficulties with it. I am just curious as to the comment that the notice of default was not received by any of the directors of the corporation. None of them was aware of the dissolution. Where was the breakdown?

Mr Grant: May I introduce myself first? My name is Grant, my first name is Donald and this is Michael Francone, who is the treasurer of the association.

The difficulty was that the association, which is a not-for-profit organization, was formed on a charitable basis by a Toronto law firm and the head office address at that time was shown as the apartment where the president of the association resided. The president subsequently moved and the notices were sent to that head office address. Frankly, they just were totally unaware of the fact that there was any requirement and they certainly did not receive any notice that they were in default and possibly to be dissolved.

The reason we discovered it was that this past year the association came to me for some advice. I happened to pull their letters patent to see what was going on at this point and discovered that, much to their surprise, they had been dissolved in January 1987, although they had been ongoing.

The Chair: Unless you have something to say, we are ready to deal with the matter. I would say that you will probably be successful, unless members of the committee fool me. Is there anything you wish to say?

Mr Grant: Thank you, no.

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

ASTCAM CO LIMITED ACT, 1989

Consideration of Bill Pr51, An Act to revive Astcam Co Limited.

The Chair: The next matter is Bill Pr51. Mr Sterling is the sponsor, but I understand Mr Kanter will introduce the people.

Mr Kanter: I would like to introduce Lori Polachek, I believe, who is going to speak for the applicant on this bill.

The Chair: Would you like to identify yourself for Hansard.

Ms Polachek: My name is Lori Polachek and I am an articling student with Gordon, Traub, which is the law firm that is acting as agent for the firm of the corporation in Ottawa.

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

ONTARIO HOME ECONOMICS ASSOCIATION ACT, 1989

Consideration of Bill Pr35, An Act respecting the Ontario Home Economics Association.

The Chair: The next item is Bill Pr35. Mr Kanter, could you also deal with that one, if you would?

Mr Kanter: I would like to introduce Glenn Rumbell, I believe, who is listed as the person speaking, applying for this bill.

Mr Rumbell: I would also like to ask several members of the association to join me. As stated, my name is Glenn Rumbell and I am from the law firm of Smith, Lyons, Torrance, Stevenson and Mayer, which has acted as counsel on behalf of the Ontario Home Economics Association in preparation of the bill that is before you. To my

immediate right sits Jeanne Hartley-Grover, who is a member of the association and who will be speaking for a few moments on the practice of home economics in Ontario. To her right are Sandy Head, the president of the association, and Evelyn Hullah, chairman of the professional development committee of the association, who agreed to be with us to answer any questions that you may have.

I would like to take a few moments just to provide you with a very short overview of the bill. I do not intend to discuss any of the provisions in any detail, because I would like to leave the maximum amount of time for the association's presentation and your questions.

As you are aware from the preamble of the bill, the purpose of it is to allow the association to provide its members with the designation of "professional home economist."

Section 3 of the bill sets out the objects of the association.

Section 7 of the bill sets out the bylaw-making powers of the association. In particular, clause 7(1)(a) empowers the corporation to prescribe the qualifications for membership, clause 7(1)(b) permits the association to prescribe a curriculum and course of study for home economics in Ontario and for granting certificates to students who qualify and clause 7(1)(e) permits the association to regulate the conduct of its members, prescribe a code of ethics and discipline its members.

Section 10 of the bill sets out the conditions for membership to the association.

Section 13 of the bill provides the right of voting members to use the designation "professional home economist." Subsection 13(2) makes it an offence for a person who is not a member of the association to use the designation "professional home economist."

Finally, section 16 of the act provides that the act is not to affect or interfere with any person who is not a member of the association to practise as a home economist, provided he is not using the designation "professional home economist."

Now I would like to introduce Jeanne Hartley-Grover, who is going to provide you with a short introduction into the practice of home economics in Ontario.

Ms Hartley-Grover: Thank you very much for the opportunity to present our submission this morning to this committee. Before I begin, there was circulated to you a list of the members who are present here today in the audience who are

supporting this bill. They represent a cross-section of our membership across this province.

In the next few minutes I am pleased to present, on behalf of the 1,200 members of the Ontario Home Economics Association, the practice and contribution of home economics in this province.

Home economists work and live in your communities. They teach your children, the future parents, consumers and constituents of your ridings. We shape tomorrow's products and resolve problems with today's products through product development, research and the application of our knowledge of consumer needs. In rural Ontario, we lead and educate through the programs of the Ministry of Agriculture and Food. We also counsel individuals and families in crisis in such areas as family management and home management.

Our members are ready to become a self-regulating profession. Our profession has been working towards this step since its inception in Ontario in 1903 as a diploma program at Macdonald Institute. Associations have been established to provide a focus for the encouragement of professional development. Local organizations began as early as 1939. From these grew the Ontario Home Economics Association, which was established in 1979 with a view towards achieving registration.

In fact, the registration process is taking place across Canada. Alberta's legislation granting the exclusive use of the title "professional home economist" passed in January of this year. Manitoba and New Brunswick will be presenting their bills in early 1990.

Members of our profession are concerned that the public—that is, families and individuals—receive competent, ethical and knowledgeable advice and service from individuals calling themselves home economists. Through registration, members of the Ontario Home Economics Association will be able to self-regulate, assuring the public that those who call themselves professional home economists are using their knowledge ethically and for the public good.

Home economics, like other professions, has a specialized, theoretical body of knowledge which is applied to improve the ability of families and individuals to maximize the quality of their lives. We have undergraduate degree programs of study in universities throughout Ontario. We have an association for our members which promotes the development and maintenance of expertise, knowledge and excellence of service in our members. We have a defined field of

practice. Every member annually signs our code of ethics, confirming our commitment to ethical practice.

The theoretical body of knowledge which forms the foundation of home economics study is derived from many disciplines. In our undergraduate programs, we study social sciences such as psychology and economics and physical sciences such as biochemistry, microbiology and physiology.

From this basis, home economics has developed a comprehensive, integrated study of the social, psychological and physical needs of individuals and families and of the processes and means required to satisfy those needs. Our programs include studies in consumer behaviour, family resource management, personal and family finance, theory of food analysis and clothing for special needs. Full understanding requires in-depth study. This has given rise to specialization and graduate study in the field.

In their field of practice home economists translate that theoretical base into practical, useful terms. For example, theories of microbiology, consumer behaviour and food chemistry are applied in the development of consumer products which are safe, nutritious, economical or aesthetically appealing.

The uniqueness of the home economist's contribution stems from our holistic approach to home and family in day-to-day problem-solving. Home economists recognize that daily decision-making is complex. From Sault Ste Marie to Prescott to Belle River to Brampton, individuals and families benefit tremendously from the leadership and services of home economists.

In the area of education, home economists teach at all levels of Ontario's formal education system, we plan and conduct educational programs for community groups, we develop educational resources for consumers and educate other professionals and community leaders.

In the area of individual and community services, home economists counsel consumers regarding financial management, family relations and many other areas. We develop, with other professionals, health and social service programs and policies.

In the area of research and development, home economists in both the public and private sector investigate and interpret people's needs and preferences. For instance, we develop and test food, textile and housing products to prove their utility, safety and efficiency.

In the area of business, home economists actively seek to ensure consumer satisfaction and responsible marketing.

Further, as influencers in our community home economists address current issues such as recycling, food safety and affordable housing. We pursue solutions which reflect the application of our specialized knowledge and understanding of individuals and families.

Our concern for improving the quality of life of families in Ontario has heightened our awareness of the needs of the worldwide community. Through our affiliate, provincial and national associations, and in partnership with the Canadian International Development Agency, projects involving home economists throughout the world are in progress. Textbooks have been written, day care facilities developed and home economics teaching programs initiated.

Ontario home economists have shared their expertise, enabling home economists in the twinning organizations to accomplish their goals. We have taught the teachers. Our success has become a model for international development for many professions and for the Canadian International Development Agency itself.

I have presented a brief view of the practice and the contributions of home economists as professionals in this province. The mission of home economics, improving the quality of life of individuals and families, has not altered greatly over the years. However, the knowledge and skills required to provide current, appropriate service have changed and continue to change. Our association is concerned that a quality service is provided.

The public today experiences difficulty in recognizing qualified home economists. At risk is the personal wellbeing, safety and economic stability of individuals and families. Also at risk is the integrity of employers who rely on the confident, accurate and up-to-date advice and counsel of home economists.

Granting exclusive right to title under an act of the Ontario Legislature will enable the public, the government and employers to identify qualified home economists. It will also help the profession itself by providing documented goals and standards for the guidance of its practitioners.

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Undoubtedly, registration will lead to improved service and to the protection of the public. The members of the Ontario Home Economics Association are prepared to take the responsibility for being a self-regulated profession. Our bylaws confirm our code of ethics, rules of professional conduct and standards of practice. We are prepared to maintain and promote high

professional standards through continuing education and professional development. Most important, we are prepared to help individuals and families, your constituents, to enjoy improved quality of life in a very complex world, assured of the qualifications and abilities of individuals using the title professional home economist. Your positive response today will ensure the public is protected and would be welcomed by the 1,200 members of our association.

The Chair: Thank you very much. Perhaps before I go to any questions from members of the committee, I will just inquire, are there any objections from the government?

Mr Ballinger: No.

Mr J. B. Nixon: I wanted to compliment the association on its presentation. As you know, I took over sponsorship of this bill from Ms Hart when she was appointed as minister. I also want to compliment you on running such an efficient meeting that the business got on even before I got here.

The Chair: Myself as well.

Mr J. B. Nixon: Yes, by all means. I have no questions; I just urge the committee to support the bill.

Mr Mackenzie: Two questions: First, I am curious as to why the Canadian Society for Professional Engineers has a letter in stating it wants to make a submission on the application.

The Chair: I think maybe the reason is that if you look at the initials, it looks very much like their initials. I do not know whether that is the case or not, but in any event they are not here and apparently they have elected not to pursue the matter.

Mr Mackenzie: We have nothing other than this letter from them?

Clerk of the Committee: We spoke to them this week, two phone calls telling them when it was on. They were invited to attend and chose not to.

Mr Mackenzie: And they have no objections, as far as you know?

Clerk of the Committee: They are aware that it is going on.

Mr Mackenzie: The other question, if I can, is just one thing I am curious about. Under subsection 10(2) in the bill, "The bylaws shall provide that an application for membership may be refused or a disciplinary sanction may be imposed only after a hearing." I wanted to be sure who the hearing is before. Is it before the board,

the registrar? How do you deal with a dispute over a disciplinary matter or refusal of a membership?

Ms Hartley-Grover: Within our bylaws we have put together a procedure that allows for the complaint to be handled first through the registrar, then through the disciplines committee. The final decision of the disciplines committee will be passed on to the board for review. If at that time the member is not satisfied with the response she receives, then she does have the option to take those proceedings further into the court system.

Mr Mackenzie: Into the courts. So it is first the registrar, then the board. Those would be separate hearings, if there was a complaint?

Ms Hartley-Grover: Yes.

Mr Tatham: On section 16, I just wondered how many people would be home economists who would not belong to this organization. What kind of numbers are we talking about?

Ms Hartley-Grover: In this province, it would be very difficult to define that. We have a number of programs that graduate people who may call themselves home economists. We believe that the 1,200 who are represented by this association would, in effect, represent the majority of the home economists practising in this province.

Mr Tatham: Are these people not home economists then, the people who graduate? I am just trying to get through my mind why they would not belong to the organization.

Ms Hartley-Grover: For a variety of reasons, they may choose not to belong and continue to use the title. That is their choice and we are not in any way changing that ability to do that.

Mr M. C. Ray: Again, on the question of who is excluded from your organization, could you elaborate on clause 10(1)(c), which indicates that membership shall be composed of those who have "complied with the academic and experience requirements"? Since it is not set out here, could you give us some idea who you are excluding through your bylaws?

Ms Hartley-Grover: Through the bylaws? I guess it is easier for us to say who is included—

Mr M. C. Ray: Who is included, right.

Ms Hartley-Grover:—rather than who is excluded. At this particular time, it would be degree graduates of home economics programs. There is a statement of equivalency as well, because many of the programs across Canada are not necessarily called home economics but are

recognized by the profession nationally as graduating individuals with a degree that is complementary to our profession.

Mr M. C. Ray: Does your bylaw set out then what degree programs of what specific universities are allowed and not allowed? What do you do if they take a three-year bachelor of arts with a major in home economics? Do they qualify, or do they have to have an honours degree in home economics? Is that kind of thing dealt with in your bylaw?

Ms Hartley-Grover: They are dealt with as a degree within our guidelines that go with those bylaws, because we have not chosen to specify them specifically as a degree. There are too many of them involved. Also, we wanted to leave open opportunities to approve equivalencies for individuals coming in from outside the country, so each one of them is really dealt with on an individual basis of equivalency. There are specific programs, though, that are recognized as graduating straight from their programs, and those are included in our guidelines.

Mr M. C. Ray: Are you aware of any people who are objecting to your getting this designation and this act?

Ms Hartley-Grover: No.

Mr M. C. Ray: Thank you.

Mr Jackson: I am very supportive of your application. I have a couple of areas for questioning. The liability claims fund: Is that a mandatory function of membership or is it by participation that is voluntary?

Ms Hartley-Grover: That, I believe, is a provision of the bill for the future rather than something that is in place at this point. As the profession grows and changes, we felt that provision needed to be covered there, so it is a "may" for when the profession gets to that stage.

Mr Jackson: I have some experience with associations. Therefore, your membership, as it now stands, is left to obtain its own liability insurance, and some do and some do not. Is that your understanding?

Ms Hartley-Grover: Yes.

Mr Jackson: You would not have any handle on the degree to which liability insurance is a function of being a home economist in this province.

Ms Hartley-Grover: No.

Mr Jackson: The second area of questioning had to do with the area that Mr Ray was getting into. When organizations come to a transition point, when they get professional accreditation,

which is a form of control, there is usually a grandfathering component for those persons who feel that they may not have the recognized accreditation but they have its equivalency. I wonder if you could expand in a little more detail, both from the point of view of foreign equivalencies as well as for domestic experience credits.

My experience with organizations in a professional environment has indicated that there is a high degree of tolerance in order to build the organization in its initial stages, to avoid acrimony and to recognize extensive experience, but it evolves over a five- or 10-year period from the point at which it obtains this accredited control so that the academic standards can improve. Can you comment a little more fully for me in that area?

You have been asked the general question "Is there anybody objecting to this?" I suspect there are very few people at all who would object, but there may be people who feel they may assume it is just a process of applying. Then once, six months from now, they make application, they may run into some difficulty. I would like to hear more fully, for the purposes of the record, some assurances for those men and women who might feel the academic standing may carry a greater weight than the experience credits.

Ms Hartley-Grover: I guess what I would like to say is that the association is actually at that stage now of having improved its qualifications. This is not something we have just done over the last year. We have been working on this project, really, for the 10 years that the association has been around. Over the last five years, we have made a concerted effort to ensure that everyone is aware of the requirements and the changes in the requirements that are going to occur as we move towards the registration process and the completion of it with this bill. So many individuals who are not members of this association have been, in fact, informed very clearly of where we were going and what their alternatives were.

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We believe that at this stage we have grandfathered in all of those individuals who have the desire to be here at this point. Now, that does not preclude there being some individuals who have somehow missed the opportunity, and they still have the ability to apply. There are statements of equivalency that, if they can prove that this meets the degree equivalency, then that will be approved on an individual basis by the board at that time.

Mr Rumbell: If I might, I would like to expand upon it just for a moment. I want to make it clear that the bill in no way restricts a person's ability to practise as a home economist, to call herself a home economist or to call herself a qualified home economist. All it is really doing is protecting the designation of professional home economist as, I guess, a maximum level of achievement someone can reach, to assure the person who is dealing with a professional home economist that she has minimum criteria, a code of ethics and professional conduct. In no way does it restrict anyone's ability to function as a home economist in Ontario if she is not a member of the association.

The Chair: I am not sure it goes that broadly. Section 16 says, "This act does not affect or interfere with the right of any person who is not a member of the association to practise." It does not go so far as to say that she can call herself a home economist.

Mr Rumbell: If you look at subsections 13(1) and 13(2), what it does is protect the designation "professional home economist." Then it goes on to say no other person in Ontario, "not being a registered member of the association," shall use the designation "professional home economist" or the initials. So it is only carving out or reserving that designation. By implication, I was reading in the fact that someone could call herself a "qualified home economist" or "economist."

Mr Mackenzie: I am told that under clause 10(1)(a), it is a fairly general requirement. In granting membership in various organizations, "is of good character" is very rarely defined. I am wondering if you have done any defining of what you mean by "is of good character"? It is an expression that has always concerned me as a requirement for membership in various organizations.

The Chair: It is probably better defined by what is of bad character, I guess.

Mrs Mullah: I would say that, again, we could refer back to our code of ethics, which is a six-point code outlining the objective of ensuring people do carry on their professional services to serve the public. The code is being circulated to you as we speak.

It outlines that in no way is an individual member to claim a service which he or she cannot perform, and that the individual member will do such things as support the general objectives of the association and its aim. I would say that is our concrete progress to date, in terms of ensuring the standards are maintained.

Mr Mackenzie: It could end up in a court challenge as to your definition of good character though, I would presume. I was just curious.

The Chair: All right. Are there any further questions? That is not an invitation; that is just a curiosity.

Sections 1 to 19, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: Thank you very much for coming forward. It was interesting to hear what you do.

CITY OF GUELPH ACT, 1989

Consideration of Bill Pr42, An Act respecting the City of Guelph.

The Chair: The next bill before us is Bill Pr42.

Mr Ferraro, perhaps you would be good enough to introduce the gentleman to your left for the purposes of Hansard and we will deal with the bill.

Mr Ferraro: It is my pleasure to introduce Alderman Don Peacock from the city of Guelph. Mr Peacock is the chairman of the administrative services committee for the city of Guelph and is in large part responsible for the formulation, if you will, of this bill for presentation to city council. With your indulgence, Mr Peacock would give you a brief outline of the bill and answer any and all questions.

Alderman Peacock: This bill is a bill to amend the City of Guelph Act, 1929.

There was a question in the election in the city of Guelph on the last ballot with regard to changing the method of electing aldermen from the at-large system to the ward system. The City of Guelph Act provides that the alderman shall be elected at large, and this bill would allow the city of Guelph to go to a ward system.

Mr Tatham: I asked this question of Mr Ferraro. He told me, and I would just like to bring it out again, that you have 12 members on council.

Alderman Peacock: Eleven.

Mr Tatham: Eleven members?

Alderman Peacock: Eleven aldermen and the mayor.

Mr Tatham: Is that 11 or 12?

Alderman Peacock: Eleven aldermen and the mayor, which is 12.

Mr Tatham: In other words, 12. What happens when you have a tie vote?

Alderman Peacock: Then the question is defeated.

Mr Tatham: Is this the way it has been over the years?

Alderman Peacock: Yes.

Mr Mackenzie: I have no objection to the bill; I am just a little bit curious. Was this the first time you had a referendum on it or has it surfaced before?

Alderman Peacock: No, it is my understanding that there was a question the previous election and it was a very close vote, I believe, of 48 per cent to 52 per cent to maintain the at-large system.

Mr Mackenzie: So the reversal of 55 to 44 has come since the last one.

Alderman Peacock: That is correct.

Mr Jackson: Am I to assume correctly that you are expanding to 18 aldermen and one mayor?

Alderman Peacock: No.

Mr Jackson: What is the difference in intention?

Alderman Peacock: The intention is to have six wards, with two aldermen elected from each ward, so that would mean 12 aldermen plus the mayor. That would answer your question, Mr Tatham, with regard to the tie vote.

Mr Jackson: So you are increasing council membership by one.

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Alderman Peacock: That is correct.

Mr Jackson: So it is probably like a four per cent or five per cent increase in terms of the—not a major increase in the number of elected officials.

Alderman Peacock: No.

Mr Jackson: That is good. And the public meetings that have occurred as a result of this?

Alderman Peacock: We had public input meetings and public information meetings prior to the recommendation from my committee going to council.

Mr Jackson: What was the tenor and flavour of those meetings?

Alderman Peacock: Generally, most of the people attending the meetings were in favour of the ward system and basically they tried to instruct us just exactly what individuals thought, how the city should be divided, etc.

Mr Jackson: Can you identify for me on page 3 of your report those wards which, in your opinion, will experience the greatest amount of

growth? Answer as well for me, if you will, when the legislation allows for review of ward boundaries. Is that built into the legislation or is it at the pleasure of council?

Alderman Peacock: That would be at the pleasure of council. The two wards that are going to experience the growth are the two sections of the city where the construction housing subdivisions are going in now, and proposed.

Mr Jackson: I am sorry, which wards?

Alderman Peacock: Where new housing—

Mr Jackson: I am asking you to identify—ward 2, 3, 4?

Alderman Peacock: It would be ward 1, I believe, and if you go around, ward 6.

Mr Jackson: If that is the case, is there a reason why ward 6 has such a large percentage of the total vote?

Alderman Peacock: I may have hit the wrong ward.

Mr Jackson: You may have hit the wrong ward by accident and you would like to check your notes. That is fine.

Alderman Peacock: I trust you are referring to the same map.

Mr Jackson: Yes, the document dated 1 May 1989, the city clerk's report.

The Chair: Can we just get something clarified? You indicated that there were, I thought, 12 plus the mayor, and I was in fact going to say you are not superstitious. But the bill does not say that; the bill says the mayor and 11. Can you maybe clarify it?

Alderman Peacock: Yes. If I could clarify that for you, sir, that is to allow the present council to be legal until we go to the ward system. Section 2 will amend that. It will allow the Ontario Municipal Board to amend that.

The Chair: That is giving you the authority to go to the board to have that changed.

Alderman Peacock: That is correct.

The Chair: Is everybody clear on that? Okay. I am sorry, Mr Jackson. I did not mean to interrupt.

Mr Jackson: Oh no, thank you. That was helpful, Mr Chairman.

You were pursuing the clarity of which was the second high-growth potential ward as numerically set out.

Alderman Peacock: These are the present wards now. What we are proposing is at the south end of the city, which is what we have tentatively labelled ward 6.

Mr Jackson: Okay. Could you identify for me, while you have your city map out and in front of you, which is the University of Guelph ward?

Alderman Peacock: That is the University of Guelph, the south end of the city.

Mr Jackson: Okay.

Mr Ferraro: Actually, wards 5 and 6 would be the university.

Mr Jackson: You are sure about that, are you? You mean the university is split for purposes of ward distribution in the city of Guelph?

Alderman Peacock: No, the entire university is within one ward.

Mr Jackson: And that is ward 5?

Alderman Peacock: Yes, ward 5.

Mr Jackson: Okay. And so, as I understand the city of Guelph, below that is ward 6.

Alderman Peacock: That is right. That is where the growth is occurring.

Mr Ferraro: Although, just for clarification, the university does own land in other wards.

Mr Jackson: I am talking about the student residences.

Mr Ferraro: Yes.

Mr Jackson: I apologize, Mr Chairman, but I have a series of questions. Did the university participate in the public hearings or was it involved in any of the discussions with respect to the ward boundary structures?

Alderman Peacock: The central students' association was represented at one meeting. Although members of the public were invited, they did come without special invitations.

Mr Jackson: Is there any concern with respect to the fact that ward 6 is currently one of your largest wards and its potential for growth might cause a disproportionate pressure for representation?

Alderman Peacock: Actually, what you have on page 3—ward 6 is not the same as the wards that we are proposing. The boundary lines are not the same.

Mr Jackson: I am looking at population figures and percentiles of total votes.

Alderman Peacock: That is right. Your population in ward 6 now is far less. It is 7,150.

Mr Jackson: Then maybe I had better ask what it is I am looking at on page 3: "The 1988 populations of the six wards are set out below, along with a percentage comparison." Are those the old—

Alderman Peacock: That is correct.

Mr Jackson: Okay. So you have not shown us anything to indicate the updated version, where the proportion is.

I just want to satisfy myself on two points that are of concern. I have worked on committees that have looked at redistribution and boundary adjustments, and they are a very political environment.

Mr Ferraro: No question.

Mr Jackson: I just want to be sure that two elements I have experienced that could have been done more fairly are not being experienced in Guelph. I trust they are probably not, but I would like to satisfy myself.

Mr Ferraro: I think it is a good question, because we assumed that you were provided with the updated suggested map of the new wards. If we may, I would like to get the clerk to make some photocopies for the members of the committee. It might clarify the situation immensely. I would also like to clarify a point that you will see when you get it. Your question specifically was, are all residences within the one ward? One, the married students residence, is on the south side of Stone Road, which is the dividing line of one ward. So indeed, to clarify the record, one residence is not.

Mr Jackson: Just to be clear where I am coming from, the process of movement from a city-wide system to a ward system is a highly political process for those aldermen who currently are configured within the city or region or jurisdiction, and although I trust the good council of Guelph has been as fair as possible, I want to satisfy myself, in particular with respect to the university community, that it is not placed, say, within the most-populated area, which has the effect of denying the legitimate electoral power of the student population in a university community. I would just like to satisfy myself along those lines. Although I am encouraged by your response that there was an opportunity for the University of Guelph to make representation, I was focused on this ward population and percentile configuration, which I now realize has nothing to do with what council is before us with.

Alderman Peacock: I might state that we did follow the guidelines of the Ontario Municipal Board in that we took the total electorate of the city, which is approximately 60,000, and with a plus or a minus 25 per cent of that, which would be 7,250 to 12,050, we followed those guidelines. So each ward is very close to that. The two wards with the smallest present population of the

electorate are the ones where the growing is occurring.

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Mr Jackson: If I may, Mr Chairman, if you have no other questions, then while we are waiting for the map—

The Chair: Actually, I have Mr Mackenzie and Mr Tatham and Mr Ruprecht.

Mr Jackson: Fine. Good. Then I will yield and come back to my point later.

Mr Mackenzie: Just out of curiosity more than anything else, because it has been a bit of a discussion in my own city, was the argument or the discussion based on the two aldermen per ward for six wards all along or was there ever any consideration of more wards and an alderman per ward?

Alderman Peacock: The proposal initially was anything from 11 wards to three wards and up. We finally short-listed to three, four and six wards and the committee was unanimous in its recommendation to council of the six wards with two aldermen per ward.

Mr Ferraro: In response, if I may, Mr Chairman, it may be helpful to the committee, Don, if you had the question that was on the ballot. Do you have that here, the wording?

Alderman Peacock: The question that was on the ballot?

Mr Ferraro: Or if you can recall it, essentially.

Alderman Peacock: It just says, "Are you in favour of changing from the present at-large system to a ward system in the method of electing aldermen?"

Mr Ferraro: And then the discussions got into composition.

Mr Ruprecht: Normally if Mr Ferraro lends his name to a bill, Alderman Peacock, that may be good enough for me. Nevertheless—

Mr Jackson: However.

The Chair: This is not a partisan committee, Mr Ruprecht.

Mr Ruprecht: I am looking at page 5. I really appreciate the breakdown that you have provided to us. I am just wondering, Alderman Peacock, what it is that you think the changing to a ward system will bring to the city of Guelph, in addition to the \$39,000 cost. Do you suppose that a ward system in itself will inherently develop into a greater cost of running government?

The reason I am asking you this is because I firmly believe now, and it took me quite a while

to come to this conclusion, in how overgoverned we are already in Metro. The cost of government in this part of the province is really extremely high when we compare this area to any place in the world. So my question then would be, do you assume that there might be additional costs to the ones you have provided that are inherent to the process of running a ward system?

Alderman Peacock: No. Of course, there will be some initial costs in changing the polling booths, etc, but I do not think overall there will be an additional cost to running the city once the first election has been held and the system is set up.

Mr Ruprecht: So you do not think that there will be pressure on the aldermen to then get a secretary, then an assistant and then another assistant and so on down the line? As it stands right now, and correct me if I am wrong, you would probably have a pool of secretaries whom all of you share together. Is that correct?

Alderman Peacock: I can assure you that no alderman has an office, a telephone or a secretary in the city now.

Mr Ruprecht: That is interesting.

Alderman Peacock: We want to do our own work in our own office at home.

Mr Ruprecht: I really appreciate that the city of Guelph runs a very frugal government operation. I want it to be said, Alderman Peacock, that—

The Chair: Are you planning on running in another area or what? Thank you, Mr Ruprecht. I am going to go to Mr Tatham first and then back to you, Mr Jackson.

Mr Tatham: I just want to comment that my great-grandfather is buried in Guelph. I do not know whether I have a conflict or not.

Mr Jackson: Only if he was one of those voting Liberals we hear about.

Mr Ferraro: I just want to tell Mr Tatham that if he is in Guelph, he is resting in peace.

Mr Jackson: What are the configurations for the separate and public school boards? How do they run? Do they run at large or do they run on a ward system?

Alderman Peacock: They all run at large.

Mr Jackson: In my municipality, when we did this our council passed a resolution to work hand in glove with the separate and public boards to ensure that there was compliance. Did a similar occurrence occur with your planning committee?

Alderman Peacock: Yes. We met with the committee from the Wellington County Board of Education and it was decided then by the Wellington County Board of Education committee that it would wait until after the next election before it even considered going to a ward system.

Mr Jackson: Given that you had a range of from three to 11 wards, can you tell me the number of elected trustees, public and separate, that the city of Guelph is eligible to generate in accordance with the Education Act? Perhaps Mr Ferraro knows that answer.

So you understand the nature of my question, both school boards may be inhibited to their ability to participate in your infrastructure if it is at variance with the total numbers as required by other legislation. That is why the municipalities of Burlington and Halton region developed the plan hand in glove to ensure that they could at some point administratively overlay. Otherwise, if they do switch—we had a difficult period. We had our nine wards with eight trustees, so one trustee had to represent two wards, which was quite unfair.

Do you understand the nature of my question? Do you have a handle on the number of public and separate trustees generated for the area known as the city of Guelph?

Alderman Peacock: No, I do not have that knowledge.

Mr Ferraro: I could maybe contribute some information. I am not sure what the requirements of the Education Act are in that regard, but I think it is safe to say, and Alderman Peacock can correct me if I am wrong, that the numbers on the respective boards, whether separate or public, are essentially pretty close to what is being proposed in the six wards with two aldermen now. I think it is pretty close to 12 now. I suspect that if they are inclined to go to the ward system, particularly after the next election, administratively it would be fairly easy for them, if they so desired, to adopt the city of Guelph's proposal. Whether or not that is their intent, or if they are required to do so, I am not sure legally, to be honest with you.

Mr Jackson: The act is specific about the total number they are able to generate, and that is a factor that is known today, so if that number is eight, we have a problem. If it is four, we also have a problem.

Mr Ferraro: No, there are at least 10 now, I think.

Mr Jackson: We will not be able to resolve that. Just for the purpose of the record, I did want to express that as a concern.

My final one would have to do with the nature of the University of Guelph. If the students did make a presentation, do you recall the nature of the presentation from the campus association with respect to moving from a city to a ward system?

Alderman Peacock: I can recall that the representative was asked if she wished to have the university as a separate ward and she said absolutely not. They just wanted to express their concerns to the committee.

Mr Jackson: Finally, do you count all the students at Guelph? Is there anything that would preclude the inclusion of a student who may only be in the city of Guelph for a period of two months prior to a municipal election?

1100

Alderman Peacock: Preclude them from—

Mr Jackson: Voting in a municipal election.

Alderman Peacock: No.

Mr Jackson: So these population figures were taken at a time when the school was full and not empty?

Alderman Peacock: Those are from the last assessment roles, those figures that we have here.

Mr Jackson: And university students are included in the full assessment notices?

Alderman Peacock: They should be, yes.

Mr Jackson: Okay. I am satisfied and I thank Alderman Peacock for his responses. It is a difficult job and obviously they have done well with it.

The Chair: Any further questions?

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: Thank you very much, Alderman Peacock and Mr Ferraro. You might just check to see whether Mr Ruprecht is running in your area. There seem to be a lot of—maybe Mr Jackson is, I do not know.

Mr Jackson: Was Mr Ferraro ever an alderman in the city of Guelph? I think that is compelling evidence why we should move from an at-large vote to a ward system.

Mr Ferraro: I refuse to answer on the grounds it could be incriminating. Yes, I was, for four and a half wonderful years. In fact, just by way of editorial, that is when, when I made comments, they were taken seriously.

I know Alderman Peacock wants to report back to city council. If it is not too much to ask, is there any indication at this juncture when it will be reported for third reading?

The Chair: It will be reported to the House this afternoon. Hopefully, within two weeks, the clerk indicates to me, it will have second and third reading and royal assent.

TORONTO BAPTIST SEMINARY AND BIBLE COLLEGE ACT, 1989

Consideration of Bill Pr29, An Act to amend the Toronto Baptist Seminary Act, 1982.

The Chair: The next bill is Bill Pr29, An Act to amend the Toronto Baptist Seminary Act, 1982. Mr Kanter is not here. Mr Ruprecht, would you—

Mr Ruprecht: Absolutely, I would agree with great pleasure to this undertaking.

The Chair: The gentleman before us is Reverend G. Adams.

Mr Adams: Yes, I am the principal of the Toronto Baptist Seminary and I have the registrar with me, Reverend Rudy Wiebe.

The Chair: Maybe I will just canvass whether there are any questions from the members of the committee first. Any questions?

Mr Mackenzie: Yes. Which are the new degrees that you are offering?

Mr Adams: We are wishing to offer two more degrees: the master of theological studies and the bachelor of theological studies. These are lower degrees than we are already offering. Our highest degree is the master of theology. The master of theological studies is a two-year graduate program, so it is a lower degree. The bachelor of theological studies is somewhat similar to the bachelor of theology, but we recognize that all are not given to linguistics, so we are changing the amount of Hebrew and Greek that is required for those courses. It is just an internal adjustment.

Mr Mackenzie: Are they both two-year programs?

Mr Adams: No, the bachelor of theological studies is four years.

The Chair: Any other questions from any members of the committee? All right. We may make your morning rather swift.

Mr Ruprecht: Just one comment: I wanted to congratulate the deputants, not only on their thoughtfulness, I know that not only across Canada but in other places outside Canada the Toronto Baptist Seminary has a very good name.

Since I am somewhat familiar with their reputation, it gives me great pleasure to support this undertaking.

The Chair: Thank you. Hopefully, that has not evoked other statements.

Sections 1 to 4, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

GRAND VALLEY RAILWAY CO INC ACT, 1989

Consideration of Bill Pr33, An Act respecting Grand Valley Railway Co Inc.

The Chair: The next and final item is Bill Pr 33, An Act respecting Grand Valley Railway Co Inc. I have indicated to the applicants that Mr McClelland told me he might have some difficulty in getting here and that was why the matter was left, as it was, until the end. He is not here. Perhaps Mr Ray will sponsor it. So if you gentlemen would like to have a seat and just identify yourselves for the purposes of Hansard.

Mr D. L. Jackson: I would like to introduce, to my right, Gordon F. McOuat, and, to his right, James B. Montgomery. I would also like to introduce Ian Chadwick, the manager of the Ontario rail office, and his associate, Wilf Walker.

We have come before you today to receive royal assent to a company we formed, the Grand Valley Railway Co, to operate a tourist and cargo freight operation in and around the area of the town of Paris. Canadian Pacific Railway will abandon this portion of the line as of 2 August 1990. We hope to be operating by that time. I believe that is about all that I can really say of what we wish to do.

The Chair: Maybe we will enter into questions. I should inquire. I have been delinquent in not asking Mr Ballinger, who is here with reference to any comments by government on these bills. I gather there have been no comments up to this point.

Mr Ballinger: The only comment was with respect to the previous one, but that was fine, you did not ask me and I did not volunteer any information.

Mr D. L. Jackson: I think he said entirely too much about Mr Ferraro anyway.

The Chair: Are there any comments by Mr Ballinger on behalf of any of the ministries with reference to this bill?

Mr Ballinger: Nothing specific, Linda, unless maybe you want to just—

Ms Gray: We have had no objections from any ministry. The Ministry of Tourism has recorded that it has not done a tourism study in the area, so it cannot comment on a tourist railway at all, so it is not objecting. The Ministry of Transportation is here and may answer questions on any of its policies, and no other ministries have expressed any objections to us.

Mr Pollock: Are you people buying some railroad right of way?

Mr D. L. Jackson: We will be, yes.

Mr Pollock: I have been involved with this situation, because I have a private member's bill in front of the Legislature right at the present time wanting to assume an abandoned railroad so that it will be a recreation trail. We have run into this situation here at the committee before where there is a thought out there that, before any right of way is sold, it has first to be offered to the federal government, then the provincial government, then the municipality. In checking that out, I found out that this is only a thought; that is not law.

Mr D. L. Jackson: I am sure I could make some comment on that. From Canadian Pacific's standpoint, there are abandoned rail lines out west which no one wants, and in fact they will go through this protocol to get rid of the property. As far as I am aware, and this point has come up a number of times, we certainly intend trying to purchase and operate this railway as a continuation of their service, not to let the rail line become abandoned, where you may run into situations where other people would have other uses for the property.

I believe you will find that Canadian Pacific, other than possibly Canadian National, because of its government structure, would be one corporation selling property to another corporation. Of course, they would sell it to whoever wanted to buy it or whoever had enough money to buy whatever they wanted to sell. I do not believe that they really follow any protocol other than the possibility of properties that cannot be sold or have no value.

1110

Mr Pollock: How many miles are we talking about?

Mr D. L. Jackson: We are talking exactly 6.7 miles from the Paris area to Glen Morris, a small town up along the Grand River.

Mr Pollock: You say it operated freight, but this will be basically a tourist attraction.

Mr D. L. Jackson: I believe, if our figures bear us out, this will be half and half. There will

be two customers denied rail service in the Paris area on 2 August. We have letters of support from both of these industries. We have letters of support from the town of Paris itself, which these industries are in.

We intend to reconnect with Canadian National Railways in Paris to be able to provide freight service in this area. In fact, standing in one spot, the whole amount of trackage that is in the freight business as such would be in line of sight. The area lends itself very greatly to industrial expansion because of a large gravel pit that has been rezoned in the area. Actually, now they are putting some infrastructure in to divide the gravel pit into commercial properties.

Mr Tatham: I wonder if we could have some comments from Mr Chadwick. Mr Chadwick, do you wish to comment on the bill?

The Chair: Would you move up here to a microphone and identify yourself?

Mr Chadwick: My name is Ian Chadwick. I am manager of the Ministry of Transportation's rail office. Mr Jackson and his colleagues are known to us. We have had some discussions with them and it is understood that their business plan would involve their purchase of approximately seven miles of the soon-to-be-abandoned CP line between Paris and Cambridge as an operating railway, with revenues to be obtained from tourist operation up to Glen Morris and from the interswitching of freight traffic with the CN line in that vicinity to the two manufacturers located in Paris, Mitten Vinyl Inc and Paris Technical Ceramics, which do at the moment depend on CP for service. We have no objection to this proposal.

The Chair: Mr Tatham, was that your only question?

Mr Tatham: I think my stand is known. We have to look after our railways. Let's do it. I just wanted to make sure Mr Chadwick's comments were made.

The Chair: Any further questions from any members?

Sections 1 to 9, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: Thank you very much, gentlemen.

Mr D. L. Jackson: Thank you, Mr Chairman.

The Chair: You each should have a copy of the standing committee on regulations and private bills' second report, 1988. You had

requested it and I would ask that members might read through it, because, most specifically, the subcommittee will be attempting to set an agenda whereby we can perhaps look at some of the items suggested in here and deal with them.

The committee stands adjourned then until next Wednesday at 10 o'clock.

The committee adjourned at 1115.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Chair: Callahan, Robert V. (Brampton South L)**Vice-Chair:** Ray, Michael C. (Windsor-Walkerville L)

Bossy, Maurice L. (Chatham-Kent L)

Jackson, Cameron (Burlington South PC)

Kanter, Ron (St Andrew-St Patrick L)

MacDonald, Keith (Prince Edward-Lennox L)

Mackenzie, Bob (Hamilton East NDP)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Pollock, Jim (Hastings-Peterborough PC)

Ruprecht, Tony (Parkdale L)

Tatham, Charlie (Oxford L)

Also taking part:

Ferraro, Rick E. (Guelph L)

Kanter, Ron (St Andrew-St Patrick L)

Nixon, J. Bradford (York Mills L)

Ray, Michael C. (Windsor-Walkerville L)

Ruprecht, Tony (Parkdale L)

Clerk: Freedman, Lisa**Staff:**

Mifsud, Lucinda, Legislative Counsel

Witnesses:**From the East York-Scarborough Reading Association:**

Grant, Donald, Legal Counsel

From Astcam Co Ltd: Polachek, Lori, Legal Counsel**From the Ontario Home Economics Association:**

Rumbell, Glenn, Legal Counsel

Hartley-Grover, Jeanne

Hullah, Evelyn, Chairman, Professional Development Committee

From the City of Guelph:

Peacock, Don, Alderman, Chairman, Administration Services Committee

From the Ministry of Municipal Affairs:

Ballinger, William G., Parliamentary Assistant to the Minister of Municipal Affairs (Durham-York L)

Gray, Linda, Adviser, Legislation, Policy

From the Toronto Baptist Seminary and Bible College:

Adams, G., Principal, Toronto Baptist Seminary and Bible College

From the Grand Valley Railway Co Inc:

Jackson, David L., Director

From the Department of Transport:

Chadwick, Ian, Manager of Rail Office



Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Regulations and Private Bills

Town of Iroquois Falls Act, 1989

City of Ottawa Act, 1989

City of Etobicoke Act, 1989

Second Session, 34th Parliament

Wednesday 8 November 1989



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 8 November 1989

The committee met at 1009 in committee room 1.

TOWN OF IROQUOIS FALLS ACT, 1989

Consideration of Bill Pr31, An Act respecting the Town of Iroquois Falls.

The Chair: I recognize a quorum. I am advised that we have been given permission to proceed despite the fact that we do not have representation from all parties, that is, the New Democratic Party.

The first matter before us this morning is Pr31, An Act respecting the Town of Iroquois Falls. Mr Pope, perhaps you would identify the two gentlemen to your right for the purposes of Hansard and give a brief introduction, if you would.

Mr Pope: To my immediate right is Ken Alexander, who is solicitor for the town of Iroquois Falls, a solicitor of renown in the Timmins area, and a good friend of mine as well, and John Buchan, the clerk-administrator of the town of Iroquois Falls.

John and the economic development council have both been working on this bill, along with Ken, for some months now. They have had a number of meetings with the Treasurer (Mr R. F. Nixon) directly and with the Minister of Revenue (Mr Wong) and his ministry. I believe this bill before you represents the agreement they have all come to as to the best way to handle the problem that the town of Iroquois Falls has in attracting industry to its community.

The Chair: Unless there are some questions from members, it seems to be pretty straightforward, or unless you gentlemen wish to say a few words just to indicate you were here.

Mr Ballinger: I did not know there were two solicitors of renown from the Timmins area. I knew of one, but—

The Chair: All right. Are there any questions by members of the committee?

Mr Tatham: I appreciate the problem, but I cannot get through my head why this does not work. I have read the information over here. Assessment times the mill rate usually equals the dollars that you have to raise and I cannot understand. Are the assessors wrong or what is the problem?

The Chair: Can someone answer that?

Mr Pope: It is neither the assessment nor the mill rate; it is the assessment factor that is applied that seems to be the problem. The assessment factor is 104.7. For the town of Iroquois Falls that creates particular problems because the major industry by far is Abitibi-Price, and with that assessment factor being applied to the assessment, it does create problems attracting industries. We know that from actual comments by potential industries.

Mr Tatham: What is the factor, say, for houses?

Mr Alexander: Perhaps I could assist the honourable member. The factor to be applied here is with respect only to manufacturing and industrial sectors. The effect will apply only to new assessment with respect to which construction has been commenced after 1 July 1989 or any change in the class of assessment where the property has been rezoned for another use. That is the two-pronged intent of the proposed legislation.

The Chair: Does that help you, Mr Tatham? It does not deal with residential at all.

Mr Tatham: I hear what he is saying, but if the assessment is wrong, it is wrong. In other words, if you assess everybody fairly and you apply your mill rate to it, you get your taxes. If you have a further development, then what happens if you get more people living there? How does this balance out?

Mr Alexander: Perhaps I could assist again. We have comparisons of other northern municipalities. For example, Iroquois Falls has an industrial and manufacturing assessment factor as opposed to assessment, but the factor which is applied to the assessment is 104.7. Other municipalities have an industrial or manufacturing factor, assessment factor in the range of 48 per cent or 52 per cent. So if you took the same building in Iroquois Falls, for example, as is set out in the preamble, for a warehouse building with an assessment of \$600,000-plus, that would result in taxes in Iroquois Falls that would be half as much again higher than other comparable municipalities in northern Ontario.

The inequity that results from it is considerable and it becomes a factor when people are trying to

determine whether they will participate in any expansion of existing industrial plant in Iroquois Falls or indeed bring any new industrial plant into Iroquois Falls. We have learned from those that the committee has been soliciting that it is a considerable factor to be reckoned with.

One of our prime industrial components of this municipality is considering a sizeable expansion and it is very meaningful when those dollars are viewed in light of the assessment factor. The assessment should be the same throughout northern Ontario, in the sense of how the regional assessment office does it, but for some reason which is not clear we have an assessment factor that is more than the actual assessment. We have an assessment factor of 104.7 per cent, and when that is applied to any assessment it seems arbitrary and unreasonable, from the point of view of the municipality, to increase the assessment. That has a very negative effect on people wishing to establish and advance industry.

The Chair: Before we go further, I am going to inquire of the parliamentary assistant who is here with reference to the government, are there any objections or problems with this bill?

Mr Ballinger: No, the ministry has no objections. The bill provides for an interim adjustment until the next general reassessment so we do not have any problems at all.

The Chair: I am going to move to the other members and then back to Mr Tatham. Mr Kanter and then Mr Pollock.

Mr Kanter: I certainly do not have any difficulty with the thrust of the bill and I appreciate, as a former municipal councillor, that we all feel that our municipalities are doing a terrific job and working vigorously and diligently at things. Just in terms of the language of the bill, I think that legislative counsel may have some concerns about some of the vigour of the language.

The Chair: There is an amendment to that.

Mr Kanter: I will be moving that amendment but I want to emphasize it will not affect the actual clauses of the act. It is just—

The Chair: The preamble.

Mr Kanter:—an amendment to the preamble.

The Chair: Maybe you would care to do that right now. Does everybody have a copy of the amendment, by the way? I want to inquire if the members all have a copy where the preamble is changed and things like “vigorous” are taken out?

Mr Kanter: That is correct.

The Chair: Mr Kanter moves that the preamble to the bill be amended by striking out “vigorous” in the second line and by striking out “is unreasonably high when compared to other similar northern municipalities and has operated as a major deterrent to” in the seventh, eighth and ninth lines and inserting in lieu thereof,

“the council of the town considers to be high when compared to other similar northern municipalities and that the council believes has operated as a deterrent to.”

Mr Pollock: I can sympathize with the people from Iroquois Falls, but like my colleague the member for Oxford, I am a little concerned just how this all came about. Did you go to full-value assessment?

Mr Alexander: Assessment was taken with a market value assessment for the town of Iroquois Falls, based on 1975 values. The whole of the district was not similarly reassessed at that time. So that is how the inequities arose. Different assessment factors unfortunately apply to the same industrial establishment in Iroquois Falls as would apply, say, to Cochrane or to Kapuskasing or Smooth Rock Falls or Hearst.

The Chair: I should never have said that you need not explain anything because it is being looked into. Mr Pollock, are you satisfied?

Mr Pollock: Yes.

Mr Tatham: Let me ask this question: If you evidently have some development industrially, the new industrial assessment will be based on 50 per cent of what you are doing now?

Mr Alexander: Yes.

Mr Tatham: Supposing a hardware dealer comes in or a commercial establishment, what does it pay?

Mr Alexander: A commercial establishment will pay the normal factor respecting the commercial mill rate. There will not be an industrial or manufacturing assessment factor applied to the commercial, the hardware store owner for example.

The Chair: I think Mr Tatham is trying to figure out who picks up the shortfall.

Mr Tatham: In other words, if the thing has been fair up to a certain time and then they are reassessed and then there has been an imbalance, did the domestic housing and the commercial people, did their share fall way down? Is that it? The taxes are down?

Mr Alexander: No. Perhaps I could ask Mr Buchan, who is present. The clerk-administrator of the town of Iroquois Falls might be in a

position to give some specifics, but my understanding is that assessment was not detrimentally affected in the sense that the residences in the town of Iroquois Falls, their tax bill did not suddenly go down and Abitibi's tax bill did not suddenly go up. But the inequity seems to have arisen and been built into the system and it is a deterrent to future expansion. No one received a windfall or a tax break because of it when it came about.

1020

Mr Tatham: I am sorry. I cannot understand. If things remained the same, what is the big deal? I do not understand. If everything is the same—

The Chair: As I understand it, it is a break for future industrial and that is because the only industry they have is Abitibi. That is all they are doing.

Mr Pope: They did not want to give Abitibi the rollback and that is why it says after 1 July 1989.

Mr Tatham: Well, I am sorry. I cannot support it.

The Chair: That is fair. Any further questions by any other members of the committee?

Mr Pollock: As far as Abitibi is concerned, is it going to be concerned that some other ministry gets a break?

Mr Pope: No. In fact, they support this and they see it as good for the community.

The Chair: Are there any other questions from any other members of the committee? Is there anybody else in attendance who would like to speak to this matter? We are ready to vote.

Motion agreed to.

Sections 1 to 6, inclusive, agreed to.

Preamble, as amended, agreed to.

Bill, as amended, ordered to be reported.

CITY OF OTTAWA ACT, 1989

Consideration of Bill Pr38, An Act to dissolve the Board of Trustees of the Ottawa Charitable Foundation.

The Chair: The next matter is Bill Pr38. Perhaps the applicants and the sponsor could come forward. Mr Chiarelli, perhaps you would be good enough to introduce the people to your right for the purposes of Hansard and then a brief opening statement.

Mr Chiarelli: As the member for Ottawa West, I am pleased to be the sponsor of Bill Pr38, which is An Act to dissolve the Board of Trustees of the Ottawa Charitable Foundation. The three presenters here today are Edythe Dronshek, the

assistant city solicitor for the corporation of the City of Ottawa, Derek Fortune, secretary of the Ottawa Charitable Foundation, and on my far right, Gordon F. Henderson, QC, chairman of the board of governors of the Community Foundation of Ottawa-Carleton.

I am going to ask Mrs Dronshek to give a brief overview of the bill and the reason for the bill. Perhaps if there are questions after that, she may want to have some of the other presenters respond to some of the questions.

The Chair: I think that we do have a fairly extensive backgrounder to it, but certainly if you wish to do that, feel free. I think it is pretty clear what the purpose of the bill is.

Mr Chiarelli: We are in your hands, Mr Chairman.

The Chair: Well, I am not going to say you cannot do it, but I am just saying that we have a significant amount of information before us and that perhaps it might be easier if questions were asked.

Mr Chiarelli: I will ask Mrs Dronshek whether she just wants to entertain questions or whether she wants to give an overview.

Mrs Dronshek: I am not really concerned about giving an overview, because I know we did file a very good deal of facts and material on it. One thing I do want to ask, though, because the Ottawa Charitable Foundation is very small in funding. In fact, now the amount of money in the fund is about \$75,000. As the printing costs for this bill, we have been advised by the clerk, will run about \$1,000, and as the fund would really like to give as much money as it can to the Community Foundation of Ottawa-Carleton, we would ask that the committee consider waiving the costs of the publication fees under rule 78(d) of the standing orders.

The Chair: There is provision for that in the standing orders, and Mr Kanter has his hand up. I suspect that he may be moving that.

Mr Kanter: Yes, Mr Chairman.

The Chair: Mr Kanter moves that the committee recommend that the fees and actual costs of printing at all stages and in the annual statutes be remitted on Bill Pr38.

Okay. We will not vote on that until after the bill has been dealt with, because if it is not passed, it obviously would not have any relevance. Are there any other questions from any other members of committee?

Mr Pollock: Do they make political donations to any people?

Mr Tatham: To whom?

Mr Ballinger: Do not answer that; you are on record.

The Chair: Thank you, Mr Pollock, for that superb contribution. Are there any other questions by any other committee members? Is there anybody else in the audience who wishes to speak to the matter? Are we ready to vote?

Sections 1 to 7, inclusive, agreed to.

Title agreed to.

Preamble agreed to.

Bill ordered to be reported.

The Chair: We now have the motion by Mr Kanter to waive the costs. Those in favour of that motion?

Mr Mackenzie: Can we now have some discussion?

The Chair: Certainly.

Mr Mackenzie: I would like to ask what the pattern is or how often we do this.

The Chair: We do it when some need is shown, particularly in the case of charitable objects. I think that is correct. Is that right?

Clerk of the Committee: There are two provisions: One would be the to waive the \$150 filing fee and the other would be to waive the filing fee and the printing costs. I think in the May sitting we had four requests to waive the printing costs and the committee agreed to the request each of those four times.

Mr Mackenzie: The filing fee has not been waived.

Clerk of the Committee: This motion includes the filing fee and the printing costs.

Mr Mackenzie: It seems to me we have been into a bit of an argument over people who are not paying either the filing fees or at least the printing costs and have been fairly tough on it. I am just wondering what kind of a precedent that is—not a precedent, necessarily, but it is going to be a little more difficult in future to make the same argument, it would seem to me.

The Chair: As I recall, I do not think any of the ones were of that nature. Had they asked us, I think we could have considered each of those applications on a case-by-case basis, but they just did not pay.

Mr Mackenzie: I have no particular difficulty, I just think you are putting yourselves in a bit of a position where it is not going to be too easy in future to argue.

Mr Pollock: We have been in that position for quite some time, I think. Any charitable organi-

zations got the fees waived. That was my understanding.

The Chair: I do not think it is just anyone; there has to be some need shown.

Mr Pollock: Any charitable organization.

The Chair: As long as they are registered under the federal Income Tax Act—

Mr Pollock: A registered charity, okay.

The Chair: —and as long as they show need and we have had an expression that there is need. They wish to transfer the maximum amount of funds to the community, I guess, and they are not really in a position—

Mr Mackenzie: Do we have any information as to whether all charitable organizations have had it waived in the past?

The Chair: I do not know. The clerk advises me that since she has been clerk of this committee, which is since May, every one has been waived.

Mr Chiarelli: There is a very brief intervention Mrs Dronshek could make that I think might aid our cause on this motion.

The Chair: I am not sure that you need that aid, but perhaps Mr Mackenzie wants further information.

Mr Mackenzie: If there are any comments, I would like to hear them, but it is not a major issue.

Mrs Dronshek: I was just going to indicate that the Community Foundation of Ottawa-Carleton has been sponsored by the United Way of Ottawa-Carleton.

The Chair: So any money that is paid out is coming out of the United Way allocation?

Mrs Dronshek: No.

The Chair: No? Oh, all right. Are there any further questions by any members of committee? Then we are voting on Mr Kanter's motion. If I have a delay span of about five minutes, I forget where I was.

Mr Ballinger: Just a second, I do not have the reverse working properly.

The Chair: I should ask you, are there any problems or comments from the government?

Mr Ballinger: One thing I enjoy about being here, Mr Chairman, is that you always think of me last, but that is quite okay, the ministry has no objections.

The Chair: Fine. We are ready to vote on Mr Kanter's motion in favour of waiving the filing fee as well as the printing costs.

Motion agreed to.

The Chair: Thank you very much; have a safe trip back to Ottawa.

The next matter is Bill Pr50, An Act respecting the City of Etobicoke. Welcome. Perhaps you will identify yourself for purposes of Hansard.

1030

CITY OF ETOBICOKE ACT, 1989

Consideration of Bill Pr50, An Act respecting the City of Etobicoke.

Mr Kanter: I just wanted to sponsor this bill in Mr Henderson's absence. There are several people here who can speak to the bill who have more personal knowledge of its contents.

The Chair: Perhaps we could have a brief indication of what the bill is about.

Mr Reble: I am John Reble and I am a solicitor. Our firm represents the city of Etobicoke. With me is Maret Pajo from my office.

The Etobicoke legislation is a carbon copy of legislation which was passed by this Legislature about a year or two ago. It is enabling legislation to allow the municipality to do two things: One is to compel the owners of property to clear garbage and other debris from sidewalks which abut their land; the other is to permit the municipality to cut long grass or weeds when it exceeds 20 centimetres, which is approximately 8 inches, in height. That is the basic intent.

Complaints were received by the municipality in both of these issues, prompting the municipality to take action. The municipality has communicated with the province requesting, in some cases, amendments to the Planning Act. It was determined that the better course was to seek the private legislation, which, as I have indicated to the committee, the city of North York already has done. It received the same private legislation about a year or two ago.

The Chair: Are there any questions from members of committee?

Mr Tatham: I was just wondering. When you say weeds, does that mean noxious weeds? What is a weed?

Mr Reble: There is no definition of "weed." I think basically it means any vegetation, weeds or grass, which exceeds 20 centimetres in height. I know there was consideration given to the Weed Control Act and amendments there, but it was felt that this was the better course.

I can see your concern about definition. As I say, this is designed to remedy what usually becomes a neighbourhood situation. In our case, it had involved some tenancies and people's

inattention, or perhaps they did not have the same concern about the neighbourhood as others. There have been complaints from neighbours.

The process to date is somewhat cumbersome. It involves a number of appeals under the property standards bylaw. It often takes up to two months to be able to go in and either cut the grass or the weeds, and by that time, of course, the problem has been around for most of the summer. This would permit prompter action.

Mr Tatham: I think I concur. I know what they are trying to do, but I sometimes wonder. We are a great society, we use all kinds of good things like fertilizers and herbicides and things like that, and then we cut the grass and we allow the stuff to wander down into the streams. What is pleasing to the eye is sometimes not pleasing to the environment. I just wonder whether we should have "noxious weeds" in here.

The Chair: The trouble with "noxious weeds" is that my understanding is—what are those yellow things?

Mr Ballinger: The thing is noxious members, Mr Chairman.

The Chair: Dandelions are not a noxious weed, and a couple of others that are—

Mr Reble: To a botanist, I suppose even the definition of "grass" could take on a number of different interpretations. I think that we get—

The Chair: "Grass" could take on a number of interpretations in common parlance too.

Mr Ruprecht: I am really in full support of this, but I have a couple of questions. Do you have any idea how the city of Toronto is operating? Does the city of Toronto have a special bylaw of this kind?

Mr Reble: I do not know the answer to that question. I was just on the phone, actually, to the solicitor for North York, and I know that North York found it necessary to seek this legislation and is using it now, I gather with some effectiveness. I do not know about the city of Toronto.

Mr Ruprecht: I think the reason I am favour of this is that many times, even in the city of Toronto, I, and probably you too, and other people who are MPP's or aldermen or representatives, receive a number of calls for grass to be cut, especially when we are talking about absentee landlords, and I assume that in most cases the city of Etobicoke finds probably that it is talking about speculators, absentee landlords or those who do not care essentially about the beauty of the environment. Consequently, I think

that I would be in favour, except for one more question I have about the compendium.

In the only information I have had for a few days now in terms of background, it says, "Attached to this compendium is a chronology, with copies of relevant reports and resolutions," and I do not have that. It may not be relevant to this discussion, except that it would have been nice to receive this chronology. Did you actually hand this in to the clerk?

Mr Reble: Yes. To my knowledge, yes, we did.

Mr Ruprecht: Where is it?

The Chair: We are keeping it from you. It is a coverup, actually. Now while you are looking at the voluminous material we will move on to Mr Mackenzie.

Mr Ruprecht: I appreciate that. Thank you.

Mr Mackenzie: I have sympathy for the request of the city as well, but if we can deal just specifically with something I am not sure is covered, with the letter from Mr Lagowski, is there any comment on his comments about, "It would not be used to prevent a native wildflower garden or similar type of planting"? I presume that there is enough flexibility in the enforcement to consider that request. I am not sure that people who are not keeping it up generally would go into a native wildflower garden either, but I am just curious as to this specific request that he has.

Mr Reble: Subsection 3 of the proposed legislation requires written notice to be given to an owner or occupant. Obviously, I think the idea is that the intent, as it is the intent with all bylaws, of course, is compliance rather enforcement. In most cases, in fact, I would say in virtually all cases, the inspectors for the city of Etobicoke visit the premises, they talk to the owners, they provide notices and informal warnings, and this is a last recourse.

I just saw this letter this morning. This is the first time we have seen it, but certainly I think, given the practice in the city and the remedy or the safeguard built into the legislation, there would be a safeguard there.

The Chair: Any further questions, Mr Mackenzie?

Mr Mackenzie: I am satisfied.

1040

Mr M. C. Ray: I do not know how that last response answers the question of Mr Mackenzie.

Interjection: Really?

Mr Mackenzie: Common sense, I guess, is what you are looking for on the inspectors' part.

Mr M. C. Ray: But you are authorizing bylaws to be passed which would require compliance and it says "grass and weeds" and there is nothing in here or in the bylaw that can be interpreted as a distinction between grass and weeds and wildflower gardens.

Mr Reble: Yes, you are quite right, except that I think this permits, and pursuant to the property standards legislation there is an opportunity for an individual to make his case to the municipality to inform it of the distinction—at least, the distinction in the eyes of the property owner—and presumably to ask the municipality not to go forward or to indicate that there is a distinction to be made in his particular case. I think it is very difficult to get down to a very fine distinction and I think the process is designed to eliminate debate over what is and what is not.

I think there is a great deal of time involved in the process from the first visit by the inspectors, which usually follows a complaint by a neighbour. I mean, Etobicoke certainly does not have the manpower to go out running around on its own policing these things. They really respond to complaints, and in the response to a complaint I am sure they would invariably listen to the owner of the property or the tenant, as the case may be, and in most cases it is a tenant when complaints have arisen.

Mr M. C. Ray: I understand that, but I would feel better if it said that no bylaws shall be passed without notice rather than no enforcement without notice. And what is one person's weed is another person's wildflower garden.

The Chair: In any event, when passing a bylaw you give notice; people are informed. Or is that just zoning?

Mr Reble: That is essentially under the Planning Act, the zoning bylaws.

The Chair: So no notice would be required?

Mr Reble: No, there is no notice required with respect to responding.

Mr M. C. Ray: That leads to my next question. How does this proposed special legislation vary from the general legislation under the Municipal Act or any other act?

Mr Reble: From my colleague's correspondence, which is in the chronology, it is indicated that this is very similar to what is in the Weed Control Act.

My response is simply that this is a particular issue that we are trying to address. There are many other property standards issues which we have enabling legislation through the province to determine and there is a great deal of discretion, I

would submit, given to the municipality. There is also an appeal procedure built into the property standards legislation. If somebody indicates that what is being requested by the municipality is unreasonable, there is an appeal procedure built in.

Mr M. C. Ray: What I do not understand is what makes the situation any different in Etobicoke than it is in Windsor or Ottawa that requires Etobicoke to come here and ask for more restrictive legislation than other cities of comparable size and comparable types of residential developments. What makes it necessary for Etobicoke to come here and ask for this and why is the legislation not good enough?

Mr Reble: It is because the current legislation has been found to be cumbersome and involves up to two months of delay, according to the reports from Etobicoke staff. During the growing season, that effectively eliminates the opportunity to take effective measures. The growing season is virtually over by the time this materializes.

In this case, Etobicoke has responded to complaints—I think some of the complaints are in the chronology—and that is the reason that Etobicoke is finding that it is necessary to deal with this through private legislation.

As I indicated, North York obviously felt the necessity for similar private legislation and applied for and had that private legislation. That legislation is also in the material before you. It is on the very last page of the chronology. It is Bill Pr31, 1988, and it is identical in wording to the legislation which is in front of you today.

Mr M. C. Ray: Which then leads to the next question to the ministry: Why then do we not amend the general legislation so we do not have a parade of municipalities coming here in succession seeking special legislation for the same purpose?

The Chair: Mr Chipman.

Mr Ballinger: Just a second—

The Chair: Sorry, Mr Ballinger. Go ahead.

Mr Ballinger: I do not mind being neglected, sitting up here, Mr Chairman, at the call of the chair.

The Chair: That is all right.

Mr Ballinger: But since the question has been addressed, before I do anything, I thought, being here—I never get recognized—that the only way I might get recognized is if I made myself look like the chairman, so this morning I am very pleased to do that. I can proceed with—

The Chair: Your eyes look better that way; put them back on. He actually looks alert with the glasses on.

Mr Ballinger: I would like to introduce John Chipman, who is from the legal branch of the Ministry of Municipal Affairs. John, would you want to respond to that, please?

The Chair: That is what I was doing.

Mr Ballinger: My call.

The Chair: Oh, all right.

Mr Chipman: As with many things which eventually end up in general legislation, they commence with an application by one, two or three municipalities for specific powers. If it then appears that these additional powers are working smoothly and if there is a more general interest among municipalities for general legislation, we could certainly move to provide general legislation.

As the applicant has indicated, only one municipality has previously requested this particular authority. We now have a second. If there were more, certainly the ministry would give serious consideration to that.

Mr Pollock: Along those same lines as Mr Mackenzie and Mr Ray, I think here we are talking about weeds and grass, but if my memory serves me correctly, the definition of a weed is any foreign plant. My colleague the member for Prince Edward-Lennox will agree with me that in our area alfalfa is not a weed; in fact, we all rave about our good crops of alfalfa. But if you get into a garden in a town, alfalfa is a weed to them.

Mr MacDonald: A weed is a plant out of place.

Mr Pollock: Yes, basically a plant out of place—

The Chair: It sounds like some of our members down here.

Mr Pollock: —and therefore this legislation is not really covering that.

Mr Ruprecht: I think, Mr Henderson, you had better speak up on this right now.

The Chair: We are going to give Mr Henderson an opportunity to say hello in just a second.

Mr Pollock: So that is my point, that this legislation really does not cover that. Somebody could plant something there that a lot of people might interpret as a weed, but if he planted it there it would not be a weed.

Mr Tatham: If you have a ravine and your neighbour cuts it and the other fellow lets daisies and dandelions grow, is that a weed? Does he or

she have to comply? Noxious weeds I understand. I understand why the Weed Control Act is there. Up in our area we want to keep noxious weeds down, and I understand about keeping the place looking nice, but we go too far sometimes.

Mr Ruprecht: Just one quick comment: I think that this places it in context, and the context is that the city of Etobicoke is responding, as is the city of Toronto most likely and, as we know for sure, the city of North York, to complaints. The complaints are that some of these people who are speculators and absentee landlords, which are found in the minutes here, are not looking after their properties and are not looking after the abutting properties too in terms of the garbage and the kinds of things that people throw on the highways. Within that context, I think really that it would be in our interest to say yes to the request of the city of Etobicoke.

1050

Mr Reble: If I may, again, I think you have to keep this matter in context in terms of where Etobicoke is located. Etobicoke is a very developed urban municipality. It has particular standards which may not be applicable to other municipalities.

The Etobicoke council is responding to matters. This is not something that has originated out of the council itself, and there is a situation. There are standards that are acceptable in a community such as Etobicoke. The council has seen fit to apply for this legislation and is seeking the ability to move into a situation, and the complaints that are in the chronology do involve either absentee landlords or tenants, to control what I think is a legitimate property standards question.

I am not sure what the abuse would be here; I find it hard to imagine where the damages would lie if the city purported to abuse something of this nature. I really do not think it is open to abuse. I think it may be open to some interpretation. I am certain the city will hear about it and that will be long before it goes in and exercises any right it may have under this particular legislation. I think the question is just about doing somebody else's job. Before this gets taken out of context, I think that it has to be considered in that light and in light of the kind of municipality that the city is.

Mr MacDonald: I wholeheartedly support the bill. I know that I am in more of a rural area, but it is the time element here that I support this bill on. We have a number of developers coming into that part of eastern Ontario. They will buy a large tract of land, allow that land to grow up with different grasses and different weeds and by the

time the tenant who lives close to that particular piece of property gets to the person who has to cut the weeds, it is unsightly. I think there is a time element here that will allow the municipality to act more quickly and relate to getting those weeds looked after.

The Chair: Dr Henderson, unless you have something to add, it looks as if we may be ready to deal with this matter.

Mr Henderson: I have very little to say. I apologize for being late, although I think it is also true that you got to this a little sooner than I was led to believe you might, and that is fine. We have a very good chairman.

Mr Ballinger: Well, cinquante à cinquante.

Mr Henderson: I only want to underline that Etobicoke is a very residential community. There is industry in the north and in the south, but certainly the area of Etobicoke that I represent and large pieces of the rest of Etobicoke are very much residential and there is a problem, which has been a problem of absentee landlords, that I have heard about in a variety of contexts from my constituents. I think it is worth bearing in mind, but frankly I see this as a pretty straightforward piece of legislation that will not lend itself to abuse. I see it as almost a housekeeping matter in a way and as straightforward and deserving of support.

Mr Ruprecht: I have just a final comment: I very much appreciate Mr Ray's comment, but I am not sure he really went far enough. I think that somehow you as the chairman of this committee should make a private recommendation, unless of course you wanted the backing of myself or members of the committee, to tell the ministry to act with expeditious speed to look at the Weed Control Act or whatever legislation necessary so that we do not have a lineup of people coming and wasting their time and wasting precious resources.

The Chair: You want me to do a Blenkarn.

Mr MacDonald: You are doing a reversal on the local option down there.

The Chair: I think you are attributing too much power to me as chairman. I will refer it to the subcommittee, and it may want to discuss it, but thank you very much for the suggestion. If you want to refer it to the subcommittee, fine.

Mr M. C. Ray: I just want to make a comment, that I can appreciate Etobicoke's problem. In the city of Windsor the way it has been resolved is that we have a company on contract to the city which goes around and cuts all the unwanted weeds that are in violation of the

Weed Control Act and the cost thereof is added to the taxes of the offending land owners. That is done within the provisions of general legislation.

I do think, however, that there is a movement towards increased wildlife areas within urban communities. In the city of Windsor there are some parks where grasses are not cut any longer. It started as a measure for saving tax dollars, but in reality has become an environmentalist concern. That movement I would expect to continue both on public and private lands.

Mr Tatham: Good for mosquitoes, skunks and raccoons.

The Chair: I think that is actually provided for in clause 1(2)(c), that the municipality can do it at the expense of the—

Mr Mackenzie: I did not realize when I raised the issue of Mr Lagowski's letter that it would have caused as much discussion, although it has been interesting.

I have no objection to the bill. I think if the request is there from the city, I will have no difficulty supporting it. However, I would hope—I say this as one who has had some experience where I have not always been satisfied with the inspection and enforcement in a number of areas—that a concern such as that raised by Mr Lagowski about wildflowers and so on is handled with some consideration by local inspectors if there is such a call.

I really do not think it is going to be a major issue or that this is going to be the case in very many complaints about weeds growing up on a property that may be held by an absentee land owner, but I would hope that there is some sensitivity to—I think Mr Ray is right—growing environmentalist concern about just what is a legitimate and what is not a legitimate plant any more.

Mr Reble: I am certainly prepared to take those comments and this correspondence back to the council and the staff of the city of Etobicoke.

Mr Pollock: As long as it does not interfere with any wetland policies of the Ministry of Natural Resources, too.

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: I am advised by the clerk that we do not have any business for next Wednesday or the Wednesday following. I will not be around the Wednesday following so this probably saves getting someone to sit in the chair. Our subcommittee members are not here so we cannot even set up a subcommittee meeting.

We stand adjourned until 29 November.

The committee adjourned at 1059.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Chair: Callahan, Robert V. (Brampton South L)

Vice-Chair: Ray, Michael C. (Windsor-Walkerville L)

Bossy, Maurice L. (Chatham-Kent L)

Jackson, Cameron (Burlington South PC)

Kanter, Ron (St. Andrew-St. Patrick L)

MacDonald, Keith (Prince Edward-Lennox L)

Mackenzie, Bob (Hamilton East NDP)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Pollock, Jim (Hastings-Peterborough PC)

Ruprecht, Tony (Parkdale L)

Tatham, Charlie (Oxford L)

Also taking part:

Chiarelli, Robert (Ottawa West L)

Henderson, D. James (Etobicoke-Humber L)

Pope, Alan W. (Cochrane South PC)

Clerk: Freedman, Lisa

Staff:

Hopkins, Laura A., Legislative Counsel

Witnesses:

From the Ministry of Municipal Affairs:

Ballinger, William G., Parliamentary Assistant to the Minister of Municipal Affairs
(Durham-York L)

Chipman, John G., General Counsel, Municipal Affairs

From the Town of Iroquois Falls:

Alexander, Ken, Legal Counsel

From the City of Ottawa:

Dronshek, Edythe M., Assistant City Solicitor

From the City of Etobicoke:

Reble, John H., Legal Counsel, with Reble, Ritchie, Laurent and Co



No. T-4

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Regulations and Private Bills

Times Change Women's Employment Service Inc Act, 1989

Second Session, 34th Parliament

Wednesday 13 December 1989



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 13 December 1989

The committee met at 1009 in committee room 1.

TIMES CHANGE WOMEN'S EMPLOYMENT SERVICE INC ACT, 1989

Consideration of Bill Pr56, An Act to revive Times Change Women's Employment Service Inc

The Chair: The first item is Bill Pr56. Dianne Poole, who was originally the sponsor of this, is involved in a matter in her constituency. I understand Mr. Pelissero is going to introduce it. It is pretty self-explanatory and I don't think much need be said. In fact, much need not be said for about the first three of them, so I just drop that little hint.

Mr Pelissero: I had an hour and a half speech prepared of things I would like to say.

The Chair: You can do it at your own risk.

Mr Pelissero: Thank you. I would like to introduce Sandra Kinsman from Times Change Women's Employment. She is going to speak to the bill. Is she speaking to the bill?

The Chair: She can, if she likes.

Mr Pelissero: If she does not want to, then that is entirely up to her.

The Chair: We have pretty clear material before us. Does that give you a hint?

Ms Kinsman: I don't really have anything to say, unless you have any questions.

Mr Pelissero: In that case, I move that the committee recommend that the fees and the actual cost of printing at all stages in the annual statutes be remitted on—

The Chair: I would not want to be that presumptuous. I think we should wait until the vote is taken and then you could move that.

Mr Pelissero: Well, wait a second. You wanted to move right along. I was just trying to help you.

The Chair: Well, not that fast.

Mr Pelissero: Oh, so what did you want me to do next?

The Chair: Well, if you will just wait, are there any questions regarding the first item? Seeing none, the committee is ready to vote.

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

Fee-waiving motion agreed to.

The Chair: Thank you very much. It has been a pleasure. Have a safe trip, nice Christmas and all that stuff.

HOMES UNLIMITED (LONDON) INC ACT, 1989

Consideration of Bill Pr52, An Act to revive Homes Unlimited (London) Inc.

The Chair: The second item on the agenda, again a self-explanatory matter, is Bill Pr52. Mr Pelissero, in the absence of Mrs Smith, would you be kind enough to introduce the presenters?

Mr Pelissero: I would like to introduce A. J. Belecky.

The Chair: Thank you. Mr Belecky, this is pretty straightforward too, unless you have something to say.

Mr Belecky: I am prepared to answer questions, Mr Chairman.

The Chair: Are there any questions from members of the committee? All right.

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: Thank you very much and have a safe trip home. Merry Christmas.

ONTARIO MORTGAGE BROKERS ASSOCIATION ACT, 1989

Consideration of Bill Pr46, An Act to revive Ontario Mortgage Brokers Association.

The Chair: The next item on the agenda is Bill Pr46, which is also self-explanatory.

Mr Pelissero: In the absence of Mr Ray. Oh, there he is.

The Chair: Mr Ray is here.

Mr Pelissero: Sorry about that. I was on a roll.

Mr M. C. Ray: Yes, right. I am the sponsor of this bill, and I would like to introduce Henry Blumberg of the law firm of Gardiner, Blum-

berg, who is representing the Ontario Mortgage Brokers Association.

The Chair: Mr. Blumberg, the matter is pretty straightforward, but if you would like to say a few words just to at least to prove you were here, or perhaps justify your retainer, we will be happy to hear from you. If you do not—

Mr Pelissero: Being a lawyer, he understands how these things work.

The Chair: If you do not wish to, we will deal with the matter now.

Mr Ruprecht: Let the record show you mumbled sounds.

The Chair: Let the record show I am eating a cupcake from the physiotherapist.

Mr Ruprecht: It is under \$200.

The Chair: That is right. I do not even have to declare it.

Any comments?

Mr Blumberg: Thank you, Mr. Chairman.

The Chair: Is that it? Okay. I have been neglecting you, Mr Ray. I should be asking you if there are any comments from the government on the first two bills. Obviously, there were not. How about on this one?

Mr M. C. Ray: No, there is not.

The Chair: All right.

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: Thank you very much. Excellent job. Well done.

ONTARIO MIDWESTERN RAILWAY COMPANY LIMITED ACT, 1989

Consideration of Bill Pr45, An Act respecting Ontario Midwestern Railway Company Limited.

The Chair: The next one is an interesting little item. In the absence of Mr Lipsett, Mr Pelissero, would you perhaps introduce the bill.

Mr Pelissero: Which one are we doing?

The Chair: We are doing Bill Pr45.

Mr Pelissero: I was under the impression that Mr Tatham was going to do that.

The Chair: I will tell you what; the gentlemen seated at the table can identify themselves for purposes of Hansard. I think it is self-explanatory what we are doing.

Mr Tatham: I would like to sponsor this bill. I am sure that Mr Kosar will be able to explain all

the good things, if necessary. If not, we will just move on.

The Chair: Would you like introduce the two gentlemen then.

Mr Tatham: Mr Kosar and his friend.

Mr Kosar: Mr Harrison.

The Chair: It is self-explanatory. If you would like to put a little plug in, fine. If you do not wish to do that, we will ask if there are any questions.

Mr Kosar: I would perhaps make a brief comment. The purpose we are here for today is that the Railways Act requires that all railways incorporated in Ontario be incorporated by special act and not merely by way of the Business Corporations Act.

The Chair: All right. Are there any questions of the deputants? Seeing none, are there any comments from the government?

Mr Ray: The government has no objection to the bill.

The Chair: No objection, all right.

Sections 1 to 9, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: Thank you very much, gentlemen. We are always glad to have another railway in existence, considering that many of them are being dispensed with.

THE BRANTFORD AND SOUTHERN RAILWAY COMPANY INC ACT, 1989

Consideration of Bill Pr54, An Act respecting The Brantford and Southern Railway Company Inc.

The Chair: I told you we would get to you pretty fast, Mr Neumann. The next item is Bill Pr54. Perhaps you would like to identify for Hansard the gentleman sitting to your right.

Mr Neumann: Yes. The person on my right is Corey Hinrichs. He is the sponsor of this project and I am the sponsor of the bill. We require this act so that Mr Hinrichs can proceed with his plan to operate a tourist railway in the area south of Brantford. I believe the railway would run between Mount Pleasant and Waterford.

The Chair: Would that get you from there to Queen's Park on that railway?

Mr Neumann: No. Unfortunately, as you know, Via Rail is being cut and my transportation to Queen's Park will be severely restricted. However, this railway will not help in that cause,

but it is hoped that this project would be under way by about the spring of 1991 and be part of the tourism strategy for the Brantford and Brant county area.

The Chair: I presume it is being done for the same reason as for the one before this. Is that right?

Mr Neumann: Yes, exactly the same.

The Chair: Are there any questions of the deputants?

Mr Kerrio: Yes, when you are prepared to take it, Mr Chairman.

The Chair: Okay. Mr Ray, are there any comments from the government on this?

Mr M. C. Ray: No, there are no objections from the government.

The Chair: No objections from the government. All right.

Mr Neumann: The applicant has worked very closely with the ministries involved.

The Chair: Mr Kerrio moves that the preamble for the bill be amended by striking out "an excursion" in the fifth line and inserting in lieu thereof "a."

1020

Mr Kerrio: The reason being that, in the future, if there was some opportunity to use this rail for other reasons than excursions, it would not require an amendment to do so. I think it is just a matter of good housekeeping.

Motion agreed to.

Sections 1 to 9, inclusive, agreed to.

Title agreed to.

Preamble, as amended, agreed to.

Bill, as amended, ordered to be reported.

Mr Neumann: Thank you very much.

The Chair: Thank you very much. Merry Christmas.

Mr Kerrio: We are starting up two railways on the same day, one for freight and one for people.

Mr Pelissero: That's a good idea. We should send copies of that to Via.

FORT ERIE LIONS SENIOR CITIZENS COMPLEX INC ACT, 1989

Consideration of Bill Pr37, An Act respecting Fort Erie Lions Senior Citizens Complex Inc.

The Chair: The last item on the agenda is Bill Pr37 and that is pretty self-explanatory as well. Mr Haggerty, where are you? Oh, there you are.

Mr Haggerty: I am lost this morning.

The Chair: That is all right. Join the club.

Mr Haggerty: Do you want me to proceed without the deputants?

The Chair: Sure.

Mr Ruprecht: South of Grimsby, they put a snow—

Mr Haggerty: That is what I am afraid of. The snow conditions and weather conditions are not that great in the Niagara region.

The Chair: Mr Haggerty, we have pretty significant material before us, so unless you want to enlarge on it—

Mr Haggerty: What was that again, sir?

The Chair: I do not know what I said. We have a lot of material before us that seems to be self-explanatory, but if you want to—

Mr Haggerty: I just want to put on the record that the two members from the Fort Erie Lions Club, Colin Robertson, and I am sure the other one would be Bill Harlow, both members of the Fort Erie Lions, and past president, had indicated that they would be in attendance today. I guess due to the adverse weather conditions in the Niagara region, they might be a little bit late, or you are running ahead of time. I have never seen so much legislation being railroaded as this morning.

The Chair: We are very competent. They probably could not get past Lion Safari.

Mr Haggerty: We do have the explanatory note there on Bill Pr37. It indicates that the Fort Erie Lions Senior Citizens Complex Inc is called the "corporation." It is sponsored by the Fort Erie Lions Club. I might say that the Lions Clubs in Fort Erie do an excellent job in community work. I suppose you are looking at their motto—it is "to serve"—and they certainly have served the community of the town of Fort Erie.

This is the second, you might say, of the senior citizens complexes. There is one in the west end of Fort Erie by the Ridgeway-Crystal Beach Lions Club and one in the east end by the Fort Erie Lions Club. The two persons who were to have been here this morning are senior citizens who are retired, but they are putting all their energies forward in working for the community and this is one of their major projects. The next stage would be building a senior citizens residence complex following the centre. They have done an excellent job in that area and I would like to commend them for that.

The Chair: Tell them to hurry up. I am getting older.

Mr Haggerty: I may be one of them too.

Mr Kerrio: As a neighbour to the gentlemen from Fort Erie, I would like to make a motion that we pass this bill.

Mr Pelissero: Good idea.

The Chair: I am going to see if there are any questions. First, are there any comments from the government on this bill?

Mr M. C. Ray: The government has indicated that there it has no objection to the bill, because it meets the criteria for a tax exemption. It is a nonprofit, charitable corporation. The exemption will be implemented by municipal bylaw. The land is devoted to charitable uses only and the upper level of governments, regional and the school board have indicated their approval as well.

Mr Mackenzie: One of the questions has just been answered by Mr Ray. I was just wondering, this is obviously, I take it, not a precedent. We have had other cases like this that have been approved.

Mr M. C. Ray: Yes, and the minister has laid down a set of criteria which this application fulfils.

The Chair: Any further questions of any members of the committee? All right.

Sections 1 to 4, inclusive, agreed to.

Preamble agreed to.

Schedule agreed to.

Title agreed to.

Bill ordered to be reported.

Mr Kerrio: Is there a motion for a waiver of fees on this bill?

The Chair: We will give you the exact wording of that—and do not rush out after we have finished this last item because we have something to clear up. I would like to take advice from legislative counsel. Is that appropriate to ask you?

Ms Mifsud: It is the clerk who makes the determination. They are a charity as with the charities of Canada. They are registered as a charity, but whether they qualify for the fees to be remitted is a policy, I think, developed by the committee. It is in the preamble.

The Chair: Is it all right? Okay, the motion is in order. They are listed in the preamble as a charitable corporation, so they fit the criteria.

Fee-waiving motion agreed to.

CITY OF OTTAWA ACT, 1989

Consideration of Bill Pr38, An Act to dissolve the Board of Trustees of the Ottawa Charitable Foundation.

The Chair: As the final item, apparently—in our haste, I guess—we erred and we have to rectify that. Who is going to do that? Mr Pelissero.

Mr Ruprecht: If I might, to Mr Pelissero, would he not mind that I be the mover of this motion?

The Chair: Mr Ruprecht moves that the committee recommend that the fees and the actual costs of printing in all stages and in the annual statutes be remitted on Bill Pr 38.

We already passed that bill and I think we did not word it properly, so what we were trying to achieve was not achieved.

Motion agreed to.

The Chair: Now, I understand that Mr Ray has decided to resign. Is that right?

Mr M. C. Ray: I have left this committee and I am on another committee.

The Chair: He has left this committee for greener pastures, so we require a new vice-chairman or vice-chairwoman.

Mr Tatham moves the name of Ms Oddie Munro for vice-chair.

Are there any other nominations for the position of vice-chair? Seeing none, those in favour of Ms Oddie Munro as vice-chair?

Motion agreed to.

I have one final item, if I could. Mr Fleet keeps after me, and I think quite rightly so, because I think he did an excellent job on the regulations report. It was done by not the last committee but the one before that, and I think it is something that we should look at. We do not have authority to sit outside the session of the House, but I think when we get back, that should be a matter we should give some priority to. I am going to send copies of these minutes to Mr Fleet because he constantly asks me when we are going to do it.

That is it, I guess, for this year, for this session. Thank you very much. Have a Merry Christmas, all of you.

The committee adjourned at 1030.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Chair: Callahan, Robert V. (Brampton South L)

Bossy, Maurice L. (Chatham-Kent L)

Jackson, Cameron (Burlington South PC)

Kanter, Ron (St. Andrew-St. Patrick L)

MacDonald, Keith (Prince Edward-Lennox L)

Mackenzie, Bob (Hamilton East NDP)

Morin-Strom, Karl E. (Sault Ste Marie NDP)

Oddie Munro, Lily (Hamilton Centre L)

Pollock, Jim (Hastings-Peterborough PC)

Ruprecht, Tony (Parkdale L)

Tatham, Charlie (Oxford L)

Also taking part:

Haggerty, Ray (Niagara South L)

Neumann, David E. (Brantford L)

Ray, Michael C. (Windsor-Walkerville L)

Smith, E. Joan (London South L)

Clerk: Freedman, Lisa

Staff:

Mifsud, Lucinda, Legislative Counsel

Witnesses:

From the Times Change Women's Employment Service Inc:

Kinsman, Sandra

From Homes Unlimited (London) Inc:

Belecky, A. J., Solicitor, with Belecky and Belecky

From the Ontario Mortgage Brokers Association:

Blumberg, H., Solicitor, with Gardiner, Blumberg, Somer

From the Ontario Midwestern Railway Co Ltd:

Kosar, W., Solicitor



T-5 1990

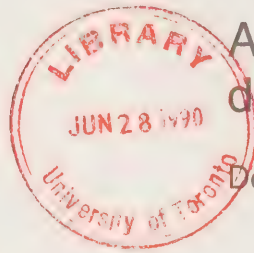
T-5 1990

**Legislative Assembly
of Ontario**

Second Session, 34th Parliament

**Assemblée législative
de l'Ontario**

Deuxième session, 34^e législature



**Official Report
of Debates
(Hansard)**

Wednesday 30 May 1990

**Journal
des débats
(Hansard)**

Le mercredi 30 mai 1990

**Standing committee on
regulations and private bills**

**Comité permanent des
règlements et des projets de loi
d'intérêt privé**

Chair: Robert V. Callahan
Clerk: Lisa Freeman

Président : Robert V. Callahan
Secrétaire : Lisa Freeman

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Table des matières

La table des matières des séances rapportées dans ce numéro se trouve à l'arrière de ce fascicule, ainsi qu'une liste des membres du comité et des autres députés ayant participé.

Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 965-2159.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 30 May 1990

The committee met at 1012 in committee room 2.

The Vice-Chair: I would like to bring this committee to order. This is the standing committee on regulations and private bills. The agenda will be as follows, in order. We would like to hear Bill Pr67 as the first item, Bill Pr76 as the second and the final item, Bill Pr4.

HAREWOOD PARK ASSOCIATION ACT, 1990

Consideration of Bill Pr67, An Act to revive the Harewood Park Association.

The Vice-Chair: The sponsor for Bill Pr67, An Act to revive the Harewood Park Association, is Mr MacDonald. Would you like to say a few words, please.

Mr MacDonald: I will ask Mr Henderson, who is president of the park association, to join me here. I will ask Mr Henderson to fill you in on the procedure of this bill.

Mr Henderson: Harewood Park Association was a corporation formed in 1965 for the sole purpose of administering park lands deeded to the association. Because of delinquency in filing form 1 corporate board notices to the ministry, the corporate status was revoked in 1987. Basically, we would like to revive the corporation, as I discovered this problem last spring when I became president of the association.

The Vice-Chair: We have with us today the parliamentary assistant to the Minister of Municipal Affairs, Claudio Polsinelli, substituting for Bill Ballinger. Could you give the ministry's point of view?

Mr Polsinelli: I am not the parliamentary assistant to the Minister of Municipal Affairs. I am just here replacing him.

The Vice-Chair: You make a good replacement.

Mr Polsinelli: I would like to advise the committee that the government has no opposition to this bill's proceeding.

Mr Pollock: How big a park are we talking about?

Mr Henderson: It is about an acre and a half, I would say.

Mr Pollock: It is a rather small piece of property then.

Mr Henderson: Yes.

Mr Pollock: Are there any buildings on it?

Mr Henderson: No. And the corporate status specifically stated there could not be buildings on it.

Mr Pollock: Okay, thank you.

The Vice-Chair: No further discussion?

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

JABKO HOLDINGS LTD ACT, 1990

Consideration of Bill Pr76, An Act to revive Jabko Holdings Ltd.

The Vice-Chair: The next bill is Bill Pr76, An Act to revive Jabko Holdings Ltd. The sponsor is Bruce Owen. Would the sponsor and the applicant please approach the table. Mr Owen, would you like to introduce the bill and the applicant.

Mr Owen: This is An Act to revive Jabko Holdings Ltd. With me is Mr Geist, the solicitor for the applicant. It involves a corporation which was incorporated 11 September 1974. It was cancelled for default in complying with the Corporations Tax Act and was declared to be dissolved on 24 August 1981. It has been determined that the default occurred by reason of inadvertence. I am requesting that Jabko Holdings Ltd be revived.

Mr Geist: I have nothing further to add but, unfortunately, through inadvertence and basically ignorance, the corporation tax returns were not filed. They have been brought up to date and I believe the consent of the minister is forthcoming, if it has not already been given.

The Vice-Chair: Mr Polsinelli, do you have any comments?

Mr Polsinelli: There is no objection to the bill's proceeding.

The Vice-Chair: Questions or comments by the committee members?

Mr Ruprecht: I just want to make a comment. I wanted the rest of the committee to know that I will be supporting this because of Mr Owen's being the sponsor. Consequently, I have a lot of trust in him.

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

CITY OF TORONTO ACT, 1990

Consideration of Bill Pr4, An Act respecting the City of Toronto.

The Vice-Chair: The next item on the agenda is Bill Pr4, An Act respecting the City of Toronto. Before we get into the bill, I would like to ask the indulgence of the committee to advise me as Chair. I am given to understand, and I can see, that we have a number of people who would like to speak to the bill.

I think the committees are always held in an open fashion. I would like suggestions from any members of the committee as to how we, as a committee, could ensure that people are heard, either the individuals or spokesmen.

We have a number of mechanisms open to us. We have, of course, time allocations. We could bring the bill back or we could go beyond 12 o'clock, a number of things that you are more familiar with than I am. I will leave it up to the committee

for a short discussion on how we deal with the participation of people who have obviously come to be heard.

We have heard and have recorded to this point a number of people. Would you like me to read them out? It totals about 10 people who have asked to be heard, many of them who are out there, but obviously there are many more. The clerk advises, and I accept that advice, that the committee now has to make a decision on how we deal with this.

1020

Mr Ruprecht: This bill and issue are going to affect a number of people, including of course the city of Toronto. I think everyone who is justified in speaking and who is affected by it of course should be heard, but I would recommend that we limit it to, let's say, five minutes. I am open in terms of the minutes that people should be able to speak, but if I could just briefly recommend a five-minute speaking time and that way we can get everyone in and do justice.

The Vice-Chair: Are there any other suggestions?

Mr Kanter: Madam Chair, I would agree with Mr Ruprecht that everyone who wishes to speak should be able to do so, and I think a five-minute time period would be reasonable to allow everyone to speak. I would just ask you to exercise some discretion so that we do not hear a lot of repetitious information, so that hopefully we have a full picture of what the concerns of people are. Perhaps you might encourage those who would speak to choose a spokesperson rather than having each individual repeat essentially the same information, should it appear that is becoming the case.

Mr Bossy: We would want to be sure that we have identified to us the people who are speaking here so there would not be any duplication from the same firm, just to get the proceedings moving a little better, because we could have people from the same operation speaking. But if we had one person from the different businesses concerned—

Interjection.

Mr Bossy: We do not know what size they are. I do not know what size they happen to be. If they are all one-person operations, well, that is a different thing, but if there is more than one person involved in the same operation, that we will have one person speaking, not two.

The Vice-Chair: Are there any other comments? I would agree that five minutes seems to be an appropriate and realistic time. I believe that everyone here will be able to listen to what everyone has said and try not to repeat or duplicate. However, if that is how you wish to use your five minutes, so be it. What I am suggesting is that we have listed by the clerk 10 people who want to be heard and they will be heard in that order. I am suggesting we adjourn for five minutes so that we can get the names of other people sitting here right now who would like to be heard for five minutes. Do you have any suggestions, Mr Polsinelli?

Mr Polsinelli: I have one suggestion, if I could be allowed the indulgence of the committee—I am also sitting this morning on the select committee on constitutional and intergovernmental affairs—that I could give the government's position on this issue and then be excused. We have people from the Ministry of Municipal Affairs, if there are any technical questions on the bill, who will be available.

The Vice-Chair: Before the five-minute adjournment?

Mr Polsinelli: Before the adjournment, yes.

The Vice-Chair: Is that acceptable to the committee? Okay, so be it.

Mr Polsinelli: Essentially, the Ministry of Municipal Affairs feels that deregulation of street vendors should be at the municipal mandate. The question is whether it should be Metropolitan Toronto council that controls street vendors or whether it should be the local city council. Clearly, the position is that Metro Toronto legislation should govern Metro streets and rights of way. That is because we feel that the legislation should be consistent throughout Metro.

However, the minister has also said that he did not plan to object to the city's private bills application in view of the city's special situation with the number of illegal street vendors. We understand that this is going to be a three-year pilot project, that it will be sunsetted in the legislation so that three years from now the legislation will be automatically repealed. Accordingly, we have no objection to this bill's proceeding, and it is in the hands of the committee as to whether or not it approves it. If there are any technical questions with respect to the bill, we have Linda Gray here and the solicitors from the Ministry of Municipal Affairs who can answer those questions. If there are any other questions now, I would be pleased to answer them.

The Vice-Chair: I think that in due course, after we adjourn for five minutes and after the applicant and the city of Toronto have made their representations, we will then call on the resource people should we need to.

Mr Polsinelli: Thank you.

The Vice-Chair: The committee is now adjourned for five minutes and we will meet at 1030.

The committee recessed at 1025.

1030

The Vice-Chair: Ladies and gentlemen, I call the meeting to order once again. Just for the benefit of everyone present, I would like to tell you the order. I will be calling on the sponsor of the bill, Ron Kanter, followed by representation by the city of Toronto, legal counsel, the mayor. The committee will then be asked to ask questions or make comments on that presentation. I will then ask for all other interested parties which are now listed in writing to appear, and the committee members can ask questions after every party makes a representation, or they can ask general questions or make comments, at the end, to each other. We will then ask the city of Toronto to come forward at the end to make comments, perhaps in response to concerns of individuals here. Then the committee will deliberate.

CITY OF TORONTO

The Vice-Chair: Mr Kanter, I would like to welcome you to the committee to act as both a committee member and to introduce the applicant. The bill before us is Bill Pr4, An Act respecting the City of Toronto. We have before us the city of Toronto applicant, Mayor Eggleton. The other people will be introduced by Mr Kanter.

Mr Kanter: If I might, just from my seat, I will introduce Mayor Art Eggleton, Councillor Tom Jakobek, and Pat Foran, who is deputy city solicitor, to explain the reasons that the city is introducing this bill, with the support, I might add, of Metro council as well.

Mayor Eggleton: Madam Chair, members of the committee, thank you for hearing us out today. My thanks also to Mr Kanter for his sponsorship of Bill Pr4.

In addition to the three of us Mr Kanter has introduced, we have here a number of other people who could be available for any questions.

Ossie Doyle, the Metropolitan Toronto solicitor, is here in support of the bill. The decision of Metro council is to support the city's bill with a three-year sunset clause.

The other people here include Henry Tretjakoff, who is the manager of the street allowance control branch, who is responsible for the issuing of permits with respect to street vending. Wayne Jackson is co-ordinator of traffic engineering. James Flaherty is manager of environmental health and inspections and can answer any questions with respect to health issues. We also have Sergeant Brian O'Connor and Constable Don Harvey from the Metropolitan Toronto Police.

The bill is to be able to regulate and control vending with respect to sidewalks or boulevards. It does not cover city streets. Streets and roads are covered under the Highway Traffic Act. This specific legislation is being requested with respect to sidewalks and boulevards.

It is a matter of considerable urgency, and that is why it is being proceeded with as a City of Toronto Act amendment as opposed to a Metropolitan act amendment, although ultimately, hopefully, we can do that on a Metropolitan-wide basis. But at this point in time, as a pilot project, we are dealing with the city. That is where most of the activity is. That is where most of the problem is.

It is of particular urgency to move at this point in time, as I think the Ministry of Municipal Affairs has recognized and the Premier has recognized in a letter to me, because we are at the threshold, the beginning of the height of the season for street vending with the weather warming outside.

Street vending is something that I and my colleagues believe, in moderation, is good in the city. It obviously creates job opportunities. It creates colour and character in the city and we welcome it—in moderation. But if it becomes excessive it becomes a problem.

We have a severe problem. We are concerned that we not have chaos on our sidewalks and boulevards this summer. That is why we want to proceed with this at this point in time to bring this matter under adequate control.

There is a two-tier licensing system with respect to street vendors. One is from the Metropolitan Toronto Licensing Commission that gives them the opportunity to vend. But they must also receive permission from the city of Toronto, in this case, for specific locations. That part of the system works well.

But there are many illegal vendors, thousands of them, and this creates a difficulty in terms of jamming the sidewalks and boulevards, creating a difficulty for pedestrians and creating a difficulty in terms of the vendors themselves in vying for different positions of benefit to them in a fashion that I think can lead to more and more difficulty. There were some health problems that have occurred. All of these matters have to be attended to, yet for the illegal vendors, the size of the fine that they are liable to is so small that it becomes part of doing business. It is not a sufficient deterrent at all.

1040

That is why we are asking in this bill for the opportunity to be able to remove, place and store etc any of the equipment of illegal vending operations on the street. In order to do that, we need the assistance of the Metropolitan Toronto Police.

Originally, the view of the Metropolitan solicitor was that this could not be done without legislative amendment and that is why we are here today.

The sidewalks and boulevards to be covered would be both the city sidewalks and boulevards and also those under the jurisdiction of the Metropolitan council. We are working together with respect to that matter.

So it is a matter of utmost urgency. I hope that with the amendment the ministry has suggested, and the three-year sunset provision, we would have the benefit of this bill passed into law so that we then may provide for bylaws to keep control and peace on our sidewalks and boulevards with respect to street vending.

If I could, I will just briefly ask the councillor who has been chair of the street vending committee for the city of Toronto—not an easy job to do—Councillor Jakobek, if he could just say a couple of words to supplement my comments.

Councillor Jakobek: I would like to point out to you that this legislation which we are requesting is legislation which we have basically for the past two years done everything we can to avoid. We have tried every possibility of regulating, controlling and co-ordinating street vending in the city of Toronto. This is not something that was just thought of all of a sudden. It has been two years in the making. It has been two years that we have been struggling, trying to find any other alternative other than asking you for us to be given permission to remove the goods.

I might also say to you that this legislation is not regressive legislation. It is a progressive piece of legislation, and I would like to qualify that.

What we intend to do through this legislation is to be able to control street vending on city streets. That means that we will also be taking over responsibility for Metro streets and we will be able to issue more permits for people to vend legally in such a way that they will not be a burden or a problem for pedestrians. So through this legislation the city of Toronto will accept responsibility on Metro streets and will be able to accommodate probably somewhere between 500 and 600 more vendors in the city of Toronto.

That is important. It is important to the vendors out there who use this as the basis of economically looking after their families and it is important to us and to Metro as cities where we want to have vending. As the mayor said, it is a colourful addition to the city, etc, but at the same time, our priority—and I say this again—our priority has to be sidewalks for pedestrians. There must be enough room that pedestrians are not forced out on to the street because someone is blocking the sidewalk.

I urge the members of this committee to see this as a progressive piece of legislation. I urge you to realize that we have done everything we can to avoid legislation, that we are not just simply coming here on a whim and that the urgency of this summer coming on is a real one.

I can assure you that city council's actions yesterday and the day before were not just to support this bill, but also to put in place all the mechanisms, the staff and the resources necessary to issue those permits prior to any actual seizing or removal of goods. We will make every best effort to accommodate people before removing them. I want to say that as the chair of the street vending committee, as someone who works very closely on a daily basis with the staff who are given the duty of enforcing it.

May I just say that I think a lot of thanks needs to go not only to the ministry for assisting in this regard—I think they

should be thanked for it; they certainly have come up with an innovative piece of legislation that addresses the problem and yet keeps local autonomy—but also to the Metropolitan Toronto Police Force and the city public works people, who have had a frustrating job out there of trying to accommodate and appease this industry and the public.

Ms Foran: I think most of the points I intended to make have been addressed by the mayor and by Councillor Jakobek. In the interests of saving time this morning, I wonder if I should not just hold my comments and comment on the speakers who are going to follow and I can sum up at that time, rather than just present reasons all over again. I think we could save some time that way.

The Vice-Chair: It is my understanding that you have two amendments to the bill?

Mayor Eggleton: Yes. There are two amendments. One puts a sunset of three years. That was requested by the Metropolitan council and is concurred in by the city. Then there is a technical amendment that Pat can mention.

Ms Foran: The other amendment is coming forward to satisfy one of the concerns of the staff of the Ministry of Consumer and Commercial Relations, and we have all agreed to that. It is a technical amendment that says that “subject to” be added in before subsection 3(2) of the bill. Both of these amendments have been approved by legislative counsel. The sunset provision has been approved by the Metropolitan solicitor and by city council and by Metropolitan council. We are all in agreement with those two proposed amendments.

Mayor Eggleton: Could I just finally ask if the Metropolitan solicitor, Mr Doyle, has anything he wishes to add.

Mr Doyle: My name is Ossie Doyle. I am the Metropolitan solicitor. I believe the resolution of my council has been submitted to the committee in support of the city’s application for this legislation. I really have nothing to add beyond that, except to say that we do support the application.

The Vice-Chair: Thank you very much for your presentation. Any questions or comments or observations from committee members?

Mr Ruprecht: Those of us who are interested in seeing that Toronto has a certain “flavour” of multiculturalism would of course be delighted to see street vending continue. If I am correct, and this is to the mayor and Councillor Jakobek, really what you are proposing here is nothing that will discourage vending to continue, in the exception, of course, that this is excessive and that it creates chaos in our streets.

What I would be interested in, mayor, is to find out from you, when you say that there are literally thousands of these street vendors out there, whether we have any more specific figures on those. It seems mind-boggling to me. Travelling on Toronto streets, I know that occasionally you do see a bit of a chaos on certain corners, but when you mention thousands, is that really a realistic figure?

Mayor Eggleton: Councillor Jakobek?

Councillor Jakobek: Can I just say that we actually have our bylaw enforcement officer, Mr Tretjakoff, the manager of the street allowance control branch, here, who could verify the numbers.

The number we gave you initially was the number of permits that have been issued by the Metro licensing commission.

I should just qualify that to say many people have drivers’ licences, but not everybody is legally allowed to drive. There are many caveats that go with a licence; you have to have insurance etc. Vendors get Metro licensing permits because they meet all the criteria to have a safe and operational cart. That does not mean that they necessarily have permission to vend.

To the best of my knowledge, 5,126 permits have been issued. There are legally right now in the city of Toronto 178 vending locations that are permitted. On any given weekend in the summer, the range would be somewhere between 2,100 and 2,700 illegal vendors. But we can only suppose that if there are 5,100 Metro licences issued, they are vending somewhere, and in most cases in the city of Toronto.

I will give you a personal note. Last weekend in the Beach area which I represent, between Woodbine Avenue and Lee Avenue—for some of you who are not familiar with the area, that is about a six-block radius, less than a quarter of a mile—there were 24 illegal vendors blocking the city sidewalks. That should give you an idea of what kind of problem we are having.

Mr Ruprecht: So if that is the case, really, then this whole application seems to be very reasonable to me, unless of course there is some other information we do not know.

I would be interested in knowing about one other item, and that is, if there are that many vendors on the streets, is it your experience that there are indeed fights that break out between the vendors in terms of finding the best spot, to stay on a certain block or be on a certain street or stay on a certain corner? If that is the case, again, if there are fights even between vendors, then it would seem that this resolution seems to be even more reasonable.

1050

Councillor Jakobek: Yes. I would like to qualify that too. First of all, we hope that we will set an example that vending can occur in a municipality in a controlled way and not leave us a chaotic situation where people would complain. Therefore, we hope that other municipalities will follow suit. We hope the cities of Scarborough, Etobicoke, East York, North York and York will also allow vending in a regulated way like we have, but we have to show the example. We are the first ones and we are the ones coming forward. It has to be shown that that example can happen.

There is a lot of violence related to street vending right now. Many of you will recall the stabbing incident between two vendors which occurred down by the ferry docks last summer. A lot of this is because there are conscientious citizens out there who want to street vend, who go through the trouble of finding a location, getting permission for it, occupying the space, which is a safe place to operate their business, but then all of a sudden three or four or five illegal vendors show up, blocking the sidewalks and basically encircling the vendor who is legally there. So those vendors have been complaining, have been voicing their concerns to me, to my committee and to the city of Toronto, asking for some way for us to police our street. This legislation will give them that protection. This legislation will guarantee that people who obey the law and go through the process will be treated fairly and will be protected.

Mr Kanter: Could I ask a supplementary to Mr Ruprecht’s question? It is quite short.

Mr Ruprecht: I am not quite finished, I have one more, but go ahead.

Mr Kanter: You referred to the city policy and compared it to other cities in Metro. Would it be fair to say that the policy of the city of Toronto towards vendors is quite permissive—I do not want to use the term “liberal”—but quite permissive relative to other municipalities within Metro and perhaps other cities as well? Is that a reasonable description?

Councillor Jakobek: If I may, mayor, the answer is, we are the only ones that allow it.

Mr Kanter: And that has been the situation and that would continue to be the situation if this bill were passed?

Councillor Jakobek: Yes, but two things would happen. First, we would have more spaces to allocate within the city of Toronto, a considerable number of spaces to allocate in the city of Toronto. Second, I understand from my municipal colleagues on other councils, and the mayor can speak to it better because he sits on Metro council, that other municipalities are looking at the legislation and may consider vending to be permitted in a more progressive way if they feel that they have the comfort of doing it and not having it out of control.

Mr Kanter: That is very helpful, Mr Jakobek.

Mr Ruprecht: I would be prepared if Mr Pollock would like to go ahead and then I will ask my question after Mr Pollock. In the meantime, if I could possibly have the Metro solicitor come up, I have a question, I think for him.

Mr Pollock: I am not familiar with how you issue street vendors' licences. Do you issue a licence that, say, a vendor can operate from the corner of Wellesley and Bay? Is that how it is done?

Councillor Jakobek: Again, if I may, what happens right now is, a person finds a location that he likes and he makes an application to the city of Toronto and the application is specific. It would not just say, for example, “I would like the southwest corner of Yonge and Dundas,” it would actually point out the actual measurement of the place where they want to locate it.

I might point out too, picking up on the multicultural aspects, that we have interpreters, people who will work and speak in whatever language necessary to assist the vendors, in many cases.

Once we have met with the vendor, once we have looked at the application, which is almost immediately, we survey the site and we do the measurements to determine that in fact the vending location is feasible. If the vending location cannot meet the criteria—narrow sidewalk or what have you, or it is in front of an entrance way—then the application can be refused.

In many cases, what the committee or what the staff have done is that if this particular location applied for cannot be accommodated, we look for an alternative location within close proximity that might be accommodable. Once that happens, there is a process of approval or whatever and it is granted to that person right now. It is granted to that person and that is it; he has it for the rest of his life. There is a proposal at the city of Toronto that maybe perhaps we should not be issuing these permits in perpetuity, that we should be issuing them for a five-year period or whatever, because it is a government asset or a city asset, but we have not come to that yet. Right now, we issue the permit and that is it.

I might point out that the period of time—and the reason people may be jeering about it—between making an application and getting your permit right now if you meet the criteria can take anywhere from eight to 10 weeks. It may be longer, but we have changed that in such a way now by the actions of city

council yesterday that if a person meets the criteria, the staff will have the authority to simply issue the permit. That will save any approvals and all that sort of stuff and save a lot of time. That is going to be implemented very soon, hopefully before the legislation is even available.

Mr Pollock: What is the fee in connection with the licence?

Councillor Jakobek: The fees right now have just changed. Prior to city council's meeting last time the fees were based on an old fee structure.

Mr Tretjakoff: The new fees have not as yet been established. What we are recommending is that the fees incorporate any costs or hardships to the city and be reflected in the fees charged the vendors. The actual fees right now are \$310 for a sidewalk boulevard vending location and \$2,015 for a curb-lane vending location; that is for a motorized truck.

Mr Pollock: How long does that run for?

Mr Tretjakoff: That is good for one year, renewable each year.

Mr Tatham: Will this eventually evolve into a situation whereby you will charge different fees for different locations?

Councillor Jakobek: No.

Mr Tatham: You just charge one blank fee for a particular spot?

Councillor Jakobek: That is right. We calculate the cost of administering it and we establish a fee. The reason the street locations are a little more expensive than the boulevard locations is that they use more space. We charge them by the space.

Mr Tatham: Do you want to get to a time when you will put them up for bids at all?

Councillor Jakobek: Yes, the idea is that eventually we will have a public tendering process because these are government assets.

Mr Tatham: In other words, you want to establish your right to say yes or no, and then eventually the time will come when a person will be able to bid on this spot or that spot. As an asset to the city, you want to make the most out of it.

Councillor Jakobek: That is a proposal, but at this time they simply get the permit and keep the permit, period.

Mr Tatham: For how long? For one year?

Councillor Jakobek: As long as they are alive.

Mayor Eggleton: They renew it a year at a time, pay the fees a year at a time, but they can keep it on and on as long as they pay the fees and renew it.

Mr Tatham: If they behave themselves and obey the law.

Councillor Jakobek: That is right.

Mr Ruprecht: Mr Doyle, maybe you could throw some light on this. The mayor talked about the two-tier licensing issue. I am wondering whether this legislation will now permit the city to get in touch with the Metro licensing commission in order to streamline this situation. Does the Metro council have jurisdiction over the Metro licensing commission?

Mr Doyle: Yes. The Metro licensing commission operates on the basis of a bylaw established by the Metro council.

Mr Ruprecht: Good. Is there any legislation in place that will go in tandem with this so that if it is essential—I do not even know whether it is or not—but if Metro council, through its licensing commission, simply issues permit left and right to anyone who applies, which is the impression I have had just now, I am wondering if that policy should continue, or would you want to have a change of heart in view of what is happening in our streets?

Mr Doyle: I believe the Metro council has made several requests in the past to the province to pass legislation which would permit the council to pass a bylaw permitting the licensing commission to control the number of street vending licences issued. To date, that request has not been addressed by the provincial Legislature, but we made that request as recently as last October in a letter to the appropriate minister.

1100

Mayor Eggleton: The city has strongly supported that, because if you keep churning out more of these licences, these people, of course, get this licence from Metro licensing and think they automatically have a right to be out there and to vend. But then it becomes a problem of the location. There are just too many of them, and a lot of them want to come, of course, into some of the more lucrative spots, which are downtown, so you get a fair bit of congestion. If they were spreading out over Metro, it would not be too bad, but we are getting concentrations of them in key tourist areas.

Mr Ruprecht: Let me make it clear that we do not wish to stand in the way of you maintaining order on Toronto streets, Mr Mayor. I would certainly be interested to find out in what way we as a provincial government would stand in the way of you streamlining your Metropolitan licensing applications. I would like to find out.

I guess I am going to ask the chairperson to tell this committee, perhaps by next week or a few weeks later, to give us a report on what way we could facilitate that the Metro licensing commission would be able to streamline the applications in a way that would affect the city of Toronto and not be to the detriment of safety in our streets.

The Vice-Chair: Would the resource people like to comment on that? If not, the Chair will take it under advice.

Mr Shtern: We have a request from Metropolitan Toronto for vending legislation. The minister has written to both Mayor Eggleton and Chairman Tonks, as Mr Polsinelli explained, saying that we have no objection to the city's bill but that we are looking at the Metro legislation later on, subject to consultation with other municipalities, and as well discussing it with his cabinet colleagues.

The Vice-Chair: Okay, Mr Ruprecht, it is under discussion.

Mayor Eggleton: I am told the request has been here for six years.

Mr Ruprecht: Well, Madam Chairman—

Councillor Jakobek: Can I just answer your question? I understand the comments that are being made and the need to regulate the amount but, with all due respect to the ministry staff who are reviewing it, for every action there is a reaction. One of the things we learned about when we had cab licences was that the minute you regulated how many cab licences, the cab licences all of a sudden become worth \$100,000.

I think the ministry staff have had concerns similar to that in respect to capping Metro licences. Although I can appreciate that it does not make logical sense to be issuing permits to people who may not be able to do it, the same argument again can be drawn or comparisons can be drawn to driver's licences. Everybody over 16 can get a driver's licence. But can you legally drive a car? The answer is no, not unless you have insurance.

I think it is interesting that we ask the staff to respond as soon as possible, but I would just caution the committee that there are legitimate reasons, practical reasons why this legislation may or may not be able to come about. Certainly to find out what the questions are is a good idea.

Mr Ruprecht: My final question is to Mayor Eggleton. I am sure that members of this committee were not totally aware of all the ins and outs and we may not even be until we hear from some of the applicants who perhaps have a different ideology totally to what we are trying to accomplish.

But now that we are informed about how the system stands in this two-tier mechanism that is in place—one, the Metropolitan Toronto Licensing Commission simply approves or grants licences to anyone who applies and two, the city of Toronto then issues permits for specific locations—are you, in your own mind, fairly happy that the system that is in place at present is manageable?

Mayor Eggleton: It makes it much more manageable with this legislation. We can substantially curtail illegal vending. There still are an awful lot of vendors out there and not enough spaces. We can increase the number of spaces and will increase them substantially, but still there are a great many vendors out there.

That is one of the difficulties and one of the reasons that the legislation was previously requested. If the Metro licensing commission make good criteria and an applicant meets the criteria, the licence is issued, but that does not necessarily mean they are going to have a spot to vend.

Mr Ruprecht: Thank you very much.

The Vice-Chair: Just to clarify again, this is a city of Toronto private bill, not a government bill, and it is the task of this committee to hear representation from all sides, and especially the city of Toronto which is putting the bill forward. The city of Toronto and other municipalities work on an active basis with the ministries concerned.

However, I should remind us that it is a private bill that is coming forward for this committee to deal with. I do certainly appreciate the comments that the government keeps on top through its ministry of what is happening right across all the municipalities of Ontario.

Any further questions before we turn to representations from other parties?

Mr Bossy: I came from a small community, actually the city of Chatham, and find things to be a little different in Toronto, very much so. I would be interested in knowing if you have been able to identify how many different products are being sold on the city streets of Toronto.

Mr Tretjakoff: To put it very simply, anything that can be sold will be sold on the street. They range from scarves, mitts, gloves, hats, kewpie dolls, popcorn, hot dogs, anything—T-shirts, jewellery, handcrafted, whether it be handcrafted by the vendor personally or whether he has bought it from a wholesaler. Anything like that can be sold.

Mr Bossy: This brings on the question I have that concerns the local merchants and their position concerning the competition on the street in front of them, being, in other words, leased, you might as well say, to the possible competition in front of their store. This could happen. I see some of these vendors, especially the food concessions, being placed very close to restaurants.

I do not know how you would deal with this—probably it is not part of this bill, but it sure wants an answer—the protection of the local merchant who is paying high taxes and being challenged for his business by someone on the street in front of him.

Mayor Eggleton: I think you are going to hear from one or two of them this morning representing shopkeepers. Certainly there have been a lot of complaints to that effect. Councillor Jakobek mentioned some revised criteria that we just passed through city council yesterday. One of the criteria was that a street vendor who sells a product similar to that in an adjacent store should be 50 metres away from that particular store.

Mr Bossy: There is also another question that I know has been fairly well publicized, this business of Sunday shopping. Do these vendors come under the same rules or bylaws that are set up by the city?

Mayor Eggleton: No. They vend on Sunday whether or not the storekeeper, who has similar products, can vend. It is a different matter. Storekeepers are covered by the law, the Retail Business Holidays Act, but not the street vendors.

The Vice-Chair: Thank you very much, gentlemen and ladies. We will now hear from other interested parties and bring the city of Toronto back at the end of the session.

1110

FRED HAYWOOD

The Vice-Chair: Fred Haywood, would you please approach the committee? You have five minutes.

Mr Haywood: My name is Fred Haywood. I am a street vendor and I believe in controlling the street vendors. I fully believe in that, but this bill does not control them; it puts them out of business.

Mr Jakobek seems to think that there are 5,000 street vendors in the city. Metro licensing only issued 800 licences this year to hot dog carts and trucks, not 5,000. I do not know where he gets his figures from, but it is not from Metro licensing. The thing with vending is that it can be controlled. We have asked the city to work with us to control it. But they seem to think that they can control it without the vendors interrupting.

Mr Tretjakoff is a very good man and he has worked very hard to help straighten it out, but he is not a street vendor and he does not know the locations or anything like that. We have asked public works to put two inspectors with two vendors to map out the city and it could be done in two to three weeks. But they seem to think, "No, it is liable to be done perfect then, and we do not want it perfect." That is the last thing the city wants. I can see that right now.

The thing is that street vending is a very good thing in Toronto. It not only puts the small person into business; it helps the wholesalers of Shopsy hot dogs and everything like that there. If you put this legislation through, that leaves six families that control the vending in the city of Toronto. This is what the city has not realized either. Six families own 40% of the city spots. The rest of the people own one hot dog cart and stuff like that. They are going to be right out of business. These six

families will control the city on vending because they own 40% of the spots, which I do not think is fair. But they did their paperwork right and put in for that.

As far as Mr Jakobek goes, in spreading people out, I would love to see that, but he has the Beaches area with no vending. That is his area. Ask him to open up his area to vending as well. But he is the chairman of the street vending committee and does not want to open up the Beaches.

The whole city could be accommodated quite easily by going by each ward. If you have 40 vendors in a ward, then apply this law to it. But if you do not, then it is open vending. Let the people work. Where are these other people supposed to go to work? Are they supposed to just go on welfare? There are a lot of vendors out there, I agree with you, but they have to have a place to work.

I am one of the lucky ones. I have a spot. I own one licence and I have a spot. I believe that this legislation is very good. I am for it, except that it has to be rewritten in the proper manner so that people still have the right to work. That is the main thing. Let them work, but spread them out in the different sections of the city.

I know that Mr Jakobek is after the downtown core. There are more than 40 vendors already in the downtown core, so he would get that automatically. But then it would open up the Beaches and it would open up the other boroughs, like on Dundas West where there is no vending or on Bloor Street where there is no vending. You are putting the cart before the horse. What you have to do is do it properly.

Give it four weeks with two inspectors and this city will be happy, and it can be controlled. We have done the Harbourfront; I have worked with Bob Brown on the Harbourfront. It is cleaned up. Yorkville is cleaned up. In front of the city hall, we have no problem with illegal vendors coming in there, none whatsoever. The vendors want legislation, but they want it done properly so they can still work. I believe that is all.

Mr Tatham: I just wonder whether this matter of obstructing pedestrians is a problem.

Mr Haywood: It is in a way. I can understand, down at the ferry docks, for instance, you get too many vendors down there, but what you have to do—they have no vending there. So you have to put in two or three vendors and the other ones will move away. They will move away. When a spot is licensed, the others respect that. Believe me, I do not know where they get this idea, but they respect that. No one bothers a vendor when he has a licensed spot.

We have been trying for two years to get spots around the Dome. They will not give any spots around the Dome. They keep us away from there. They want it for there. You should not give them any legislation to any part of the city unless there are vendors already in place. If there are no vendors in place, what do they need legislation for? To keep them out so they will never get a place?

Mr Tatham: What would you do?

Mr Haywood: I would go around with city inspectors, because I know vending. Mr Bougadis knows vending. The city inspectors do not know where there is money in vending; they have not got a clue. They would put you out in a field. They would be just as happy. What you have to do is go around with the city inspectors, map out the city properly and it will be done properly and controlled properly.

Mr Ruprecht: In all fairness to you, you are not here to plead poverty, right? You say you have one permit. Is that correct?

Mr Haywood: That is right.

Mr Ruprecht: So it seems to me that your livelihood will depend on this one permit. Is this true?

Mr Haywood: No. I have other businesses.

Mr Ruprecht: That is what it sounds like in a way.

Mr Haywood: No.

Mr Ruprecht: Then, tell me, do you have another licence or what else do you do? Do not tell me about the services you provide, but what do you do, other than the one permit?

Mr Haywood: I am in the food business. I import food from the United States.

Mr Ruprecht: So you have other vehicles.

Mr Haywood: I have trucks that run to the States and back, yes.

Mr Ruprecht: I see. You do not have to answer, but I am asking anyway, very briefly.

Mr Haywood: Come on, I will answer any question you want.

Mr Ruprecht: Are you personally involved in operating your cart?

Mr Haywood: Quite a few days.

Mr Ruprecht: How many days?

Mr Haywood: Of a year? My vehicle works 365 days a year, pretty well. I would say I would be on it about 100 times a year.

Mr Ruprecht: Then you would pay someone, I guess, to stand there?

Mr Haywood: My wife will run it. It is a family business. I was the first one ever to have a licence in the city of Toronto. I worked with David Crombie to change it when he was mayor. I am one of the first. I have been in it for 25 years.

Mr Ruprecht: I can see by the changes you recommend that you would have some experience in this, and that is why I am trying to figure this out.

Mr Haywood: Quite a bit.

Mr Ruprecht: Do you know these six families personally?

Mr Haywood: Yes.

Mr Ruprecht: Who are they?

Mr Haywood: James Vavaroutsou. John Demetropolous—

Mr Ruprecht: Can we take these names down? Is that possible? We will have to figure this out. You do not mind, Mr Haywood?

Mr Haywood: No, I do not mind. It is quite all right.

Mr Ruprecht: Personally, I would like to pursue this, since you have this experience. I would like to see whether, and this is where this is very important, in case you are right—

Mr Haywood: You will find I am.

Mr Ruprecht: —I will find out, and if the province then permits the Metropolitan Toronto Licensing Commission to issue permits and you are right, that would mean that these people, if this is the case, would have a whole, big pile of money coming.

Mr Haywood: You got it.

Mr Ruprecht: Of course, we are trying to avoid that to some degree. That is why I am asking you the names. Please continue. We have four more names, right?

Mr Haywood: Dickie Dee Ice Cream.

Mr Ruprecht: Who are they?

Mr Haywood: Dickie Dee is owned by Sid Berish. He owns, right now, I think, 22 licences.

Mr Tretjakoff: He has 107 licences.

Mr Haywood: He has 107 licences.

Mr Ruprecht: Permits?

Mr Haywood: No, Metro licences. How many permits does he have, Henry?

Mr Tretjakoff: Twenty-four.

Mr Haywood: Twenty-four permits, out of how many licences the city gives out? The city gives out 106 licences for this type of business. The thing is, it gives out more licences than that, but a lot of it is for jewellery. I am talking about the food industry business.

I believe Katz Gourmet Hot Dogs has about 12. Who else is there, Henry? There's Tony Cornopis; he has four or five. I believe there are a couple more in front of the CN Tower.

Mr Ruprecht: You think about it and give us two more later.

Mr Haywood: Yes, I will.

Mr Ruprecht: You want more licences, I assume. Right?

Mr Haywood: Yes.

Mr Ruprecht: How many would you like?

Mr Haywood: I would like Mr Jakobek, before this bill comes to order, to sit down with the vendors, a vending committee, to work out how he is going to give these 500 or 600 spots and how long it is going to take. He has stated that he can put it through in about four or five weeks. I have sat on the street vending jurying committee. I know for a fact it takes two years to go through the committee. There are all kinds of people here who have applications in for two years and have not even been heard yet. So I think he is whitewashing you a little bit here; no respect, but he is whitewashing you.

Councillor Jakobek: No respect is right.

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Mr Ruprecht: My final point is, where did you get this 800 figure from?

Councillor Jakobek: From the Metro licensing commission.

Interjection: Can I address the committee on this one? I have the information.

Mr Ruprecht: You are going to make a presentation later. We will hear from you later.

Anyway, you got the 800 from this gentleman?

Mr Haywood: Yes.

Ms Foran: If I could speak to this, Mr Haywood did put forward, about three weeks ago, his suggested amendments. That gave me the opportunity to report to city council on those suggestions. City council has taken a position with respect to Mr Haywood's submission and I have filed that with the clerk of the committee.

Basically, Mr Haywood is saying that he wants to sit down with the city, he wants to go out with the city inspectors. That really has nothing to do with the legislation. What he is talking about is how the bylaws should be drafted after the legislation is given. In other words, he is in the wrong ballpark; he should be down at city hall telling them what he wants in the bylaws. Certainly the view of the council is that it does not wish this kind of thing to go into legislation simply because if he wants a ward where there are 40 vendors and then tomorrow they want 45, we have to come back up here to get legislation.

We want broad, general legislation that gives the council permissive powers and then it is up to city council to deal with the vendors and try to resolve in the bylaws all of these concerns. We will never resolve everybody's concerns, but city council yesterday passed a motion that it wanted me to assure the committee that before the bylaws are passed, a public hearing will be held. The vendors can come forward and put forward all their views on the draft bylaws and that is where Mr Haywood should be putting forward his views.

We cannot have legislation that is so constrictive or so negative that we cannot live with it and then next week we are back here asking for some amendments to change 40 to 45 or to change the wards to some other boundaries or something. We just cannot have that. We need broad, permissive legislation. Then the vendors will be heard and then the vendors' submissions, such as Mr Haywood's. That is the forum for them. City council has asked me to assure the committee—and I have filed a certified copy of that motion—that the vendors will be heard down at city hall before the bylaws are passed.

The Vice-Chair: Thank you very much. That is an important point for the committee and also for the people here making representation.

INDEPENDENT STREET FOOD VENDORS ACTION COMMITTEE

The Vice-Chair: The next representative will be Bruno Marchese from the vendors' action centre.

Mr Marchese: The proper name is the Independent Street Food Vendors Action Committee.

The Vice-Chair: Welcome.

Mr Marchese: Just to clarify, the people I am speaking for are not members of the Toronto Street Food Vendors Association, which I understand has a membership of some 65 people. I claim to speak for the large number of independent vendors who are out there who do not belong currently to any organization.

There are a couple of things I wanted to address. The city solicitor just made a comment that we will be having hearings shortly to deal with street vending and issuing permits, but it is also misleading. This legislation will limit that process. If they have the seizure legislation in place first and then we talk about vending afterwards, it really limits what submissions we can put forward. That has to be made clear.

I have some basic points that I want to come through with. I am asking the committee to delay the implementation of this bill, which we do not oppose. The only way we oppose it is that we want the permits issued first and then we could support this, because what this legislation would do is put a lot of people out of work. We are in favour of seizure only after all the vendors who are legally licensed by the Metro licensing commission out there now have places to work first.

We were asking also—what Metro also alluded to earlier—that a moratorium on any future licences be implemented now. We also agree that there are too many vendors out there.

Maybe I will address Mr Ruprecht's point now. This morning, before I came to this meeting, I received a message on my telephone answering machine—I was in the shower at the time or something—I received a call from Carol Ruddell-Foster of the Metropolitan Toronto Licensing Commission. She said the figure was approximately 800 vendors out there who are licensed by it. That is directly from her office.

Mr Ruprecht: Is that a year or is it a total number?

Mr Marchese: That is a total number. That is the request I had of her.

Mr Ruprecht: Are you sure? She left a message on your machine?

Mr Marchese: I am sure she left a message on my machine. I checked it afterwards.

Mr Ruprecht: We had better get a clarification on that.

Mr Marchese: I would love a clarification. I have been dealing with them for over a week and have been shifted from department to department. I ended up in the maintenance department one time from their phone system and I have not been able to get a clear answer. Mr Moscoe's office at Metro council has not been able to get an answer for me either. This is strange, because Mr Moscoe is chairman of the committee at Metro council. I have not been able to get that information. I wanted to bring those figures with me here today.

The other point I want to address that has been talked about here today is that Metro and the city have not been co-operating on this issue. I have sympathy for the city's position, because most of the vendors do operate within the city, but there are lots of roads within the city boundaries that are controlled by Metro. It is kind of strange for us to see that Metro is issuing licences but they tell you that you cannot sell on their streets. The question is asked, why are they issuing licences if you cannot work? That question has to be addressed also.

We would like to see a streamlined process, which was alluded to earlier, where Metro and the city co-operate on a new system that should go before committee hearings. But like I said, this process here has to be delayed until that can happen, because if this process goes through, our cards are on the table and we cannot really show anything. We are just going to be beaten by that committee. I think that is what is going to happen.

Just a couple of other things to talk about: Again, I would like to stress the same point, that we would like to see seizure happen after the permits are issued and not before. This is very important to us. There are a lot of people who are employed in this industry, and primary and secondary industry also. Our major suppliers will have to put people out of work; the secondary suppliers will also have to do the same thing.

We put out a substantial amount of money for ourselves personally. It may not be a lot to a corporation or anything, but

to us personally it is a lot of money. The average new hot dog push-cart could cost between \$4,000 and \$7,000. What we have to understand is, we cannot confuse this with drivers' licences, because we cannot get a Metro licence unless we have the push-cart first, so we make that investment first and not after. So it is not the same as drivers' licences, as was suggested here earlier. That has to be made clear to the members of the committee. It is \$4,000 to \$7,000 for a new cart, depending on the model. We also need a vehicle on top of that to transport that thing around. We are talking about at least a \$10,000 investment by individuals before we can start to work.

As you can see, a lot of the people here do not want to speak because they are embarrassed about their English. They would like to say some words, or they might want to say them in their own language, but I do not know if the committee would allow that. But there are a lot of people out there that this is their choice of occupation. They want to do it and they would rather not be cleaners in an office building somewhere. Yes, they make a reasonable amount of money, and no, they are not at the end of the poverty line. But they do not want to be, either. They work hard. A lot of them are immigrants. They have come to this country in good faith, they are working, they are following regulations and we would like to see that continue. But what we want is some more co-operation from the city and Metro, and for Metro and the city to co-operate because to date they have not.

I phoned Mississauga the other day, inquiring about their system. Mississauga does not give out a permit or a licence unless you have a spot first. Metro says it cannot do that. Mississauga is doing it today and that is a significant point.

Again, the same thing, I am asking the committee to delay this until the city and ourselves and Metro can resolve these issues and then we can deal with seizure, because we are not against seizure. I know myself if I have been set up in a place to work, I do not want somebody to come and set up next to me. I think the city also has to make it clear that it is more concerned with the T-shirt and jewellery vendors who clog up the main intersections. It is not the food vendors who do that.

I have seen myself where, at Yonge and Dundas, there is a lineup of T-shirt vendors along Dundas and along Yonge Street 20 or 30 feet up each way and maybe one or two hot dog carts. Let's address the real issue.

The Vice-Chair: Thank you very much.

1130

Ms Foran: Do you wish me to respond to that?

The Vice-Chair: I am wondering if it is acceptable to the committee and the city, just in the interests of time, if we want to be able to get most people to make their case, if committee members could also keep their comments—unless very, very urgent, you can certainly raise it again with the people who have made the submission—to the end so that we can hear everyone and get a clear picture in our heads while it is going on. Is that acceptable to committee?

Mr Bossy: If we have a question of a witness, does the witness have to keep coming back for the particular question?

The Vice-Chair: Yes, I would think that would be appropriate. I think the witnesses are here to provide information.

Mr Bossy: But in view of the fact that they have to appear before a microphone, it may create some chaos if we let them all leave the microphone in all the presentations and then have to wait to ask a question.

The Vice-Chair: I would think the same admonition to committee members would hold that we have given to witnesses appearing, that perhaps you are going to hear a lot of people coming up with the same points and that you might want to ask a general question. Yes, you can ask a person to come forward, but perhaps at the end of the session you will find that your questions are universal.

Mr Bossy: Okay.

Mr Ruprecht: So if it is not universal we should ask it.

The Vice-Chair: Ask it, yes, absolutely.

Mr Ruprecht: I have one which is not universal.

The Vice-Chair: Okay.

Mr Tatham: They issue licences but you cannot work. Could you explain that?

Mr Marchese: Pardon me?

Mr Tatham: You say they issue licences but you cannot work. Is that it?

Mr Marchese: The situation is this: The Metro licensing commission is the body that issues licences for hot dog vending carts, chip trucks, ice cream trucks etc. On top of that, there are city regulations and bylaws that say you cannot sell here. Metro does not let you sell on any of its areas; Metro roads are the main roads that would cross municipal boundaries.

For example, Bloor Street is a Metro road. We cannot sell on Bloor Street, period. City roads have different regulations. Some are regulated as restricted vending zones, which means permits only. If you have a permit, you can sell in that area. There are other areas which they call open zones, where you can sell for 10 minutes and move along. I can tell you, as a hot dog cart vendor, it is very hard to roll this thing along every 10 minutes. The bylaw is ridiculous. We have got propane-operated machines that we are supposed to roll along all the time. I question the safety of that, too. It is just a ridiculous bylaw. I do not even know why it is there; it should not be there. We support permitted spots.

Mr Ruprecht: Mr Marchese—it is Bruno Marchese, I assume, not Vito.

Mr Marchese: Yes. My brother is working today. We could not both take the day off.

Mr Ruprecht: Who do you represent again? What associations?

Mr Marchese: We call ourselves the Independent Street Food Vendors Action Committee. We called a meeting last week of independent vendors to show up and discuss strategy on how we were going to approach this problem.

Mr Ruprecht: So it is ad hoc?

Mr Marchese: It currently is ad hoc, but I tell you at the demonstration we had at Queen's Park last week we had 150 people here.

Mr Ruprecht: Do you also represent Jim Vavaroutsos, John Demetropolous, Spiro Keryanis, Katz Hot Dog Deli and Dickie Dee-Sid Berish Co? Do you represent those, too?

Mr Marchese: No, but I could just ask for a show of hands of the people who think I represent them.

Mr Ruprecht: No, I do not mean to ask you that question. I am simply asking you whether you represent the people who have only one or two licences or permits as opposed to the ones who, from the note I have here, have more than 40% of all the permits; the six family businesses we talked about earlier.

Mr Marchese: No, our position is to have one vendor, one permit.

Mr Ruprecht: I see. So in other words there is a distinction between who you represent and Mr Haywood's six families. There is a distinction here?

Mr Marchese: That is correct, yes. They have everything to gain from this legislation and we have everything to lose.

Mr Ruprecht: That is interesting. Thank you very much.

Mr Marchese: If there is less competition out there, there is more for them.

Mr Bossy: I just had a question for clarification. You mention that you get the permit first.

Mr Marchese: You get the licence first.

Mr Bossy: Yes, but you also said you get your selling units first, in other words—

Mr Marchese: If I can just explain.

Mr Bossy: —your booth first and then you get a permit? But based on the comments you made, I have some difficulty in trying to figure out what you perceive, that you should be able to take your unit after you get a permit and go where you want? Do you not feel that there should be some order in where people are going in this city or do you just—

Mr Marchese: Oh definitely, yes.

Mr Bossy: Do you want to put the units selling at one corner? The way it is, that could happen today?

Mr Marchese: It could now, but we are asking for some responsibility from everybody.

Mr Bossy: Do you not feel that that is chaos and that it does not lend to good business?

Mr Marchese: Oh yes, it is chaos.

Mr Bossy: Good business—I am trying to say the survival of the person who is trying to be in business but without fighting, without coming out that, "I own that corner," and whoever has got the power, the strong survive and the weak go down, sort of the law of the jungle?

Mr Marchese: We do not want the law of the jungle. We live in a civilized society, and I think we should co-operate.

Mr Bossy: This legislation here, as I read it, to me, it is narrow legislation to a certain degree, because the issuing of permits and so on is still done as it is today, and it can be controlled, but this is to control where those units will operate.

Mr Marchese: No, I think you have really missed the point. This legislation is to take a sledgehammer to where the units operate and not let them operate.

Mr Bossy: But if there is chaos where they are operating now—I am just trying to get this—

Mr Marchese: I understand your point.

Mr Bossy: I live in the city of Chatham, but I see certain things going on here that I am astounded to see, and I want to get that clear. How can you survive? At the same time, it goes back to the strong survive and the weak go down—the way it is now.

Mr Marchese: I will come back to one of the comments I made earlier. We want the city, Metro and ourselves as a committee of vendors to sit down and negotiate this out.

Mr Bossy: Can that not be done after this is passed? Why negotiate if there is no legislation?

Mr Marchese: If this comes out first, the negotiation process is pretty much done. We do not have any cards to play, so to speak. What I am saying is, let's get the negotiations for spots in first and then we can support seizure.

What is going to happen if seizure comes in is they are just going to take carts away and there is no negotiation. This is realistic. This is what will happen. We are quoted members of thousands, which I think is more correct. There are 500 or 600 spots going to come out, and there are approximately 200 out there now. There are going to be thousands that are going to be gone, approximately 2,000 people who are going to have their equipment taken away from them and they are not going to be allowed to work. They may get it back through paying a towage fee or whatever it is—that is not clear to me yet—but they are going to lose a lot of money. The perishables are all gone. You are talking about \$100 worth of stock that is going to be taken away right away.

Mr Bossy: Right at this time?

Mr Marchese: Right when it is towed. Under this current legislation that is what they are proposing.

Mr Bossy: I cannot see it, but you have your views on that.

Mr Marchese: Well, it is in there. Mr Kanter proposed the legislation. It is in there; they take the perishables.

Mr Kanter: The city of Toronto proposed it. I sponsored their proposal.

Mr Marchese: Sorry, sponsored the bill.

Mr Bossy: I will have further questions.

The Vice-Chair: You will be responding to that question at the end?

Councillor Jakobek: I thought maybe you wanted us to sum up at the end.

The Vice-Chair: Yes.

Councillor Jakobek: I am making notes on all of this.

The Vice-Chair: I think we are likely to hear a lot of—I am not trying to bear down as the Chair, but I think we are likely to hear a lot of similar things. I do not mind at all people coming up and saying the same things in different ways, because that is what we are here for, but if you feel you are likely to have a universal answer, then we will wait till the end. Thank you, and thank you very much, Mr Marchese.

BLOOR-YORKVILLE BUSINESS IMPROVEMENT ASSOCIATION

The Chair: The next representative will be Michael Baker, representing the Bloor-Yorkville Business Improvement Association.

Mr Baker: The Bloor-Yorkville Business Improvement Association represents approximately 2,500 businesses in an area bounded basically by Scollard St to the north, St Mary St to the south, the west side of Avenue Road and Church St.

Over the past number of years, over and above what the city construction budgets have been, we have spent approximately, through a special levy, in excess of \$3 million to upgrade the streets in certain areas. The plan continues for approximately another five years.

We have always tried to be supportive of the vendors—the legal vendors—in the area, and we do have quite a number of them. Those who are responsible are very welcome in the area. The issue at hand is not those responsible, licensed vendors, but the illegal vendors, those who come in and set up shop in our area to the distraction of both our business people and of the pedestrians who use our area.

We understand the aesthetic value of vendors. I was a former assistant deputy minister of tourism for the Ontario government, and certainly we highlight them in advertising, as does the government of the day. It is a part of the milieu that we like in the city.

However, we are now at risk of losing sight-lines to windows. Very expensive window dressings are in our area. We are not a mall, so we have to attract people into our stores as they walk along the streets. Too many vendors in one location impedes those sight-lines. It is very difficult.

We have traffic problems now. We have very narrow streets in Bloor-Yorkville, as many of you may know, and it is difficult enough now to get around.

As I say, we do not have any malice towards the legal vendors, but we clearly understand that something has to be done to control those who disregard the improvements that we make. We have just completed Bloor St between Bay St and Yonge St. The concrete is not dry yet, and we have already got stains, etc. I am not suggesting they are from those who are legally there, but they are there.

We are very concerned about our area, so we are very supportive of the city's application in this regard, and I say that on behalf of all our membership. If there are any questions, I would be happy to answer.

Mr Tatham: The last gentleman made the comment about issuing licences, but they cannot work. Could you sort of help me on that?

Mr Baker: I think what we are finding is there are people who are working. There are people there who are illegal vendors. What we see are people without licences, people who are not directed specifically by the city of Toronto to be in certain locations, yet they are there.

I see the actions of the street vending committee. I know which ones have been approved and which ones have not, how many there should be. But there are countless more than there should be. Clearly, these people perhaps are under the impression that once they are given the permit or the licence or whatever that they do have the right to vend. That is not the

case, and it is certainly creating a situation that is unacceptable to us as business people.

I think this gets back to Metro. I think that is the debate. Metro gives out licences for areas that are not designated as vending spots. All morning we have said that there are more licences than there are spots. We have always been supportive of those vending in the spots that are allocated because we have input to that. They do not apply to put a hot dog vendor in front of a deli. However, if you were to go down to Cumberland St right now, I will guarantee you would find four hot dog people right across the street from a little deli. They are not there legally, but they are there, and this legislation—

Mr Tatham: These are licensed people or not?

Mr Baker: Presumably not. One would assume not, because if they are playing the rules and they have a licence, they should be somewhere other than there.

The Chair: Thank you very much.

TORONTO STREET FOOD VENDORS ASSOCIATION

The Chair: The next representative is Peter Bougadis—if I have mispronounced your name, I am very sorry—of Toronto Street Food Vendors Association. You can introduce yourself.

Mr Bougadis: My name is Peter Bougadis—

The Chair: I did pronounce it wrong.

Mr Bougadis: I understand. My English is not so good. I come from Greece and I have tried to survive in this country for many years. My family was vending before me. I started vending in 1964. I see so many things outside in the streets, so many, because if you are driving a truck and you are parking the truck, you see all the people who walk outside; you see so many things.

I am not saying that Mr Tretjakoff or the people from the public or from city hall are not doing a good job. They are doing a good job, but the only problem is, they do not see the problems we have outside on the streets. I do not know what problems he has inside his office. I do not know Mr Jakobek's problems, how much paperwork he has to do inside his office. The same thing, Mr Jakobek does not know my problems outside on the street. That is all I have been begging for all the time, for the city and the vendors to work together. That is all I am asking.

I heard Mr Baker a few minutes ago. I have had three or four meetings with Mr Baker and I have begged him, in the Yorkville area—before all these fancy stores were there, my popcorn guys and also the ice cream guys, two ice cream trucks, have worked in Bloor-Yorkville since 1958—for one spot for these people who have worked 15 to 20 years inside that area. I asked only for one spot. He turned me down, for one spot.

How can I believe that if you pass that legislation, if you pass all this by law, the system is going to work? I do not want to see people go home after 15 to 20 years. They have kids going to university. Most of these people know how to do nothing else, just vending. They do not understand the language. What are you going to do?

That is why I wanted for the city to give me in writing how it is going to handle these people who have been on the street for 15 to 20 years—in writing, because if you come to the city council or to the jury committee, I am sorry, you hear Mr Jakobek always saying, "It is passed with the city council, no parking, no standing, tow-away zone; they are not allowed to park a vehicle to work in."

Where are we going to put it? I asked the city hall to tell me, where are we going to put it? They told you have to find parking, you know, in a reasonable place. Well, if we find a reasonable place with a parking meter, they will find another excuse: "Such high traffic and pedestrians. I can't give it to you because people have to pass by." And then you find another excuse: "Oh, window displays. I'm sorry, I can't do it." "Oh, we don't have a window display." "Really? I'm sorry. The sidewalks are not 3.66 metres wide."

It means all the things that are working from the city hall are not for the vendors. If you are going to find one good formula for working for vendors and for the city, of course I want it. Do you think my people want to park in the pedestrians? No. They want to park in front with the lights.

If we are as bad as the city hall says, how did we survive from 1958 until now? It would have been impossible to survive. It means we co-operate. The ice cream trucks, and I can say the popcorn guys, who started this business, are families. Believe me, they are families. My wife and I have two trucks and we drive together to support the family. We are not a big corporation.

Also, I want to mention to people the ice cream trucks. We have had 55 trucks from 1958; 55 trucks we still have now. We scrapped the old trucks because they did not pass the health regulations. We say, "Okay, fine," the city gets so nice, we get so nice too, and we spent so much money. Each ice cream truck—go to Toronto, Kitchener, go any place—costs about \$120,000 to \$130,000: stainless steel, clean machines, perfect everything.

What are you going to do with these trucks and these people? All these people owe money to the bank, some, like myself, to the finance companies. Mr Jakobek said somebody opened up one cafeteria downtown and the hot dog carts went outside and stole his business. What about me? What about my vehicle, my family? What am I going to do with my family, my \$120,000? I have two trucks. What am I going to do, put them in the lake? What am I going to do with my trucks?

That is why I asked the city council to tell me in writing "No parking, no standing," all these things. How am I going to find a place to work in? People inside the Yorkville area have applied in so many other areas. Ice cream trucks apply and we wait for the application. It is held up by the department of public works for three years. I want to know what happened with these applications. And always the public works department comes, "We are waiting for the Bloor-Yorkville area to give us a report on how you're going to do it, we are waiting for that," all full of excuses.

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Please, I wanted this committee to see seriously how the system is going to work. The system right now, the system the way they have it, is only fair for big business. It does not look out at all for small business. I am sorry. I am very disappointed to see myself and so many other people working in the streets since 1962 and 1958, and we receive all these tickets.

I want to mention another thing. Where are the vendors from 1985 who went up to city hall to Jack Layton and so many other councillors at the time? I said: "Please, let's find one system to work in. We'll find the vending to get permits for the city." We would love to get permits. We want to get permits. I want to see all my people working because, as president of the Toronto Street Food Vendors Association, I want my people to work. I do not want to send them home.

If you pass this legislation we are talking about now—at Queen's Park, my people, especially the ice cream vendors, have been working outside University Avenue for 25 years. What are they going to do with these people? I want to make myself clear before we do this thing. What are my people going to do? I asked the people at city hall. Do you know what they told me? "I'm sorry, they have to go home."

How is it that they have not blocked traffic or pedestrians for 25 years and now after 25 years they block the traffic and pedestrians? I do not understand that. It is impossible.

We are working down at Harbourfront. If he were here today, Mr Crombie would tell you. He asked us in 1972, before all the fancy stores came down there, to come down, to serve ice cream and hot dogs and popcorn and candy apples. He asked us. And now, because they built up all these fancy things, we have to go. I do not see it as being fair that way. I do not see it as fair for one side only, and I do not see it for the other side.

I am sorry. My people have a meeting almost every month. We do not want to take the whole of Toronto over, no, we wanted to get legal. We wanted to be in a safe place. We do not want to block pedestrians. We do not want to do all these things that city hall is saying. But to do all these things, please, we have to work as vendors and city hall together. If we cannot be together, I do not think we are going to find the solutions.

The Vice-Chair: Sir, I will have to cut you off now.

Mr Bougadis: Just one or two minutes more.

The Vice-Chair: You have had eight minutes. Can you wrap up in—

Mr Bougadis: Two minutes.

The Vice-Chair: Not two minutes, quickly.

Mr Bougadis: Okay. One thing I have to say. If you cut up the areas, because city hall has cut them up—Bloor-Yorkville area, Harbourfront area, around the dome area, they do not want us to go to vending at all. I do not see why in all these five or six areas they find an excuse, high traffic or pedestrians. We are working inside in an exclusive place. We still do not have a licence inside with an exclusive place. Around that stage, when we had it inside with exclusion, far away from the doors, we did not block the entrance. The system has been working there for 10 years. Why is it not working down at the domed stadium? I want you people to have more time to discuss all these questions and things. I have more to tell you, but I am sorry, my time is over.

The Vice-Chair: Thank you very much. Any questions of committee?

Mr Bossy: Just a comment. I understand you want to have organization, you want to have the street vendors organized, but if the law is not there to do it, how do you propose that the city should keep it organized and protect you?

Mr Bougadis: I want to protect myself and my vendors. To protect my vendors and myself and the city together, we have to get the spots first.

Mr Bossy: What would you suggest, sir, to the city? The only reason there is legislation here is that something is not working. We have to deal with this fact. You want the organization, and I appreciate that you want to have it organized, but the fact is that it is not organized, that it is holus-bolus, whatever goes, out there. But to protect you, as a veteran in the business,

what do you ask the city to do for you, in other words, without legislation?

Mr Bougadis: Okay. What I ask, before we pass all those things, we can straighten problems between vendors and the city, I am sure. I am 100% sure we can straighten them up, because in a few areas in Toronto, for example, right in front of city hall, we were working with about 20 trucks there for 15 or 20 years. Right now we are working with four or five trucks, 400 carts and the rest of the area is clean for the bus loading and unloading zone. That is why I wanted to see the exact same system from Harbourfront all the way up to the Yorkville area.

Mr Bossy: You are operating as a legal vendor?

Mr Bougadis: Yes.

Mr Bossy: What would you propose to do with the illegal vendors?

Mr Bougadis: Maybe my English is no good. I do not understand.

Mr Bossy: Based on this legislation, this is what we are trying to correct.

Mr Bougadis: If you give us spots in all these areas—because the areas are cut-up areas—if you give spots for these areas, I do not think we are going to have any problems. It is as clear as that. If you do not give us spots around the front, for example, at the domed stadium, of course all the illegal vendors know nobody has a spot around the Dome but everybody goes down to that area. That is why it is so crowded and nobody can pass by the pedestrians and lights.

If you give us spots, not only for one area, and leave the other areas empty, you have to give spots for all these areas. Do not think the vendors are stupid. They want to go to the place to make a living. Otherwise, what are they going to do? Because the public works department, a long time ago—I would think three or four years—were going outside by themselves to find some spots, and they say: “We did it. We found a spot, we put in the work. You people don’t want it. Bad luck. You had your chance. You lost your chance.”

I am sorry. The system does not work like that. If you want a democracy, you have to give and take, not only to go by yourself to find a spot. You go behind some areas where no people pass by. If you are in the areas where the people pass by, you tell us it is a high-traffic and pedestrian area. It is a poor excuse.

The Vice-Chair: I think the committee understands the frustration and the issue, and I would like to thank you very much for your time.

Mr Bougadis: Thank you. I am sorry my English is not very good, but I thank you.

The Vice-Chair: Thank you. Gary Ingle is next.

Mr Haywood: He has gone.

The Vice-Chair: Okay. We will go on to the next one. Before we do, though, I would like to ask if there is unanimous consent of the committee to sit past 12, which is the normal finishing time for this committee. Agreed?

Mr Ruprecht: Madam Chairman, excuse me, how many presentations remain?

The Vice-Chair: We have five presentations plus the city coming back. We have six.

Mr Kanter: Madam Chairman, would there be an understanding that we would try to wrap this thing up at 12:30 or some time in that vicinity—12:45 at the latest? I have a lunch at 12:30.

The Vice-Chair: We have six presentations. It is up to the committee.

Mr Kanter: Could we wrap this up by 12:45 at the latest?

The Vice-Chair: I think it is up to individual committee members to keep to yourselves the kind of universal questions you want to ask to the city and to the vendors in general. Okay?

Mr Kanter: That we all be disciplined. I understand. Yes. Let’s proceed on those terms. Fine. Let’s proceed on that basis.

The Vice-Chair: We will sit past the noon hour. The next representative is Raymond Patykewich. Welcome. You have five minutes.

Mr Patykewich: Good morning, ladies and gentlemen. Thank you. My name is Ray Patykewich. I have been a street vendor since 1974 in the city of Toronto. I was born and raised here in Toronto. When I first started being a street vendor, I was a peanut and popcorn vendor in the streets of Toronto. I bought my first hot dog wagon in 1982. So I have been on the streets and I know what the problems are out there.

I think one of the major problems we have is that we have two separate governing people controlling our destiny: Metro council and city council, the city. The problem that I think we have most of all is that when we go to purchase our licence from Metro licensing, it does not give us any guidelines as to where you can vend, what stipulations you have. All they tell you is, “Get your propane, health insurance, inspections; come to us, then you get your licence.” They do not tell you, “You can’t work over here; you can’t work over here.” I have here guidelines that they gave us when we first applied for our Metro licence. There is nothing in there about permits and nothing in there about where you can and where you cannot vend.

1200

Another thing is the prices for the licences. When you buy your first licence as a hot dog vendor, it is in the range of around \$239 and every year after it comes down and down. This year our licences were \$122. There are many people who are employed in this industry and if this legislation passes many people will be out of work, the number one being myself.

I have one cart. I do not have a permit or a designated area to work in. I have three children. If the city has the right to come and take my cart away from me, I will have nowhere else to work. I will not be able to support my family. This is the only means that I have to support my family and the future of my kids. There are a lot of other vendors here in the same predicament as myself.

Councillor Jakobek has said many times that street vending is not a right, it is a privilege. I do not believe that. I believe as a Canadian citizen and a member of this community in Toronto that I have a right to go out to work and support my family whether by street vending, working in a store, a factory or whatever.

The one thing that really bothers me about this whole thing is we are called illegals. I do not feel we are illegals. We pay our money for a licence, we meet all their criteria and we go out to work. All we want to do is go out to work and support our families, but we are called illegals and some people refer to us as gypsies. I have never known a gypsy who works. They are

street people just like us but they do not work. We work. We work hard for our money. I work 15 to 20 hours a day, seven days a week.

A lot of people have said that we block storefronts, we are in competition with restaurants and things like that, but we are not. We take up a little space here, a little space there. The longest cart is only 60 inches long by 36 inches wide. Some of them are 36 inches long by 24 inches wide. Is that really taking up a lot of space? We are not blocking storefronts as they say in the Bloor business area, in Yorkville. We are not bothering these people.

I am a little nervous here. I really would like to see this legislation stopped if possible, or give us the chance to sit down and negotiate with you because there are a lot of problems out there from street vending. Sure there are problems. We are not asking you to stop the seizure law. We want seizure, but we want our permits first. Metro licensing gave the people it licensed the opportunity to have a licence.

Councillor Jakobek stated that it takes two to three weeks to get a permit from Metro. That is not true. There are a lot of people in this room who have been waiting two years, one year, eight months, 10 months for their permit and they still have not received it. Why? If he says two weeks, why? I have applied many times for licences. I have received letters saying that they are not feasible at this time.

Another thing that was mentioned was that there are a lot of illegal carts. I would say maybe 1% of the whole industry is illegal: people with no licence, people who have more than one cart, people who put their cart on the street somewhere else to work. But 99% of the people went through the process with Metro licensing, paid their initial fee for their licence and went out to work; they have hired people to work.

These are the guidelines from the department of public works for street vending. It goes on here to tell you what you can and cannot do. This comes from city hall. This does not come from Metro. It tells you all about it: where you can vend, size, etc. Then we have two pages here. This is a list of Metropolitan roads in the city of Toronto. We are not allowed to vend on Metro roads, only on city streets. There are two lists here where we cannot work. Then we come to another section: no-vending zone sidewalks on the days of the holding of the Canadian National Exhibition. There are another two pages of that.

Then come the no-vending zones, which are Councillor Layton's riding and other places. There are another two pages of that. Then there is another section here on vending controlled zones. Those are the people with the permits. This says that in a vending controlled area you are not allowed to work. They tell you not to make your application for that area. How big is a vending controlled area? Is it five blocks, six blocks? Is there only allowed to be one guy working in that five- or six-block area? That is not fair. They should have three per block. On each block they should have a minimum of three people working.

As it goes on you have "sidewalk controlled" so many places. Why did they issue us licences if they are going to come and give us this and tell us we cannot go to work? If they are going to control us, control us, control us, how am I supposed to go to work? Am I supposed to go way out in the boonies somewhere where there are no people, stand all day and make \$20 or \$30? If I stay on a Metro road, the police will come and give me a \$103 ticket because I am exposing goods on a Metro road.

Many times at night—I work at night and in the day—the police come around and ask us for a permit to be on Metro roads. They do not give us permits for Metro roads, so they slap us with a fine. Some can be \$103, some can be \$153, and now they have a new system where it can be anywhere up to \$300. If I go out to work and I gross, say, \$200 for that day and I have one-third food costs, I am down to \$130 profit for the day. If I receive a \$103 ticket, what have I gone to work for? That is not including my parking, that is not including my gas going back and forth. How am I supposed to live?

The Vice-Chair: Okay. I am going to interrupt you now, though I would like to say that you have introduced some new questions and some new information for the committee, and I thank you very much for your presentation. Are there any questions that must be asked at this time?

Mr Bossy: Where do you vend from?

Mr Patykewich: I am working illegally at the moment at King Street and Yonge Street, but I have no other choice but to work illegally.

Mr Tatham: Do you have a Metro licence?

Mr Patykewich: I have a Metro licence, yes. You see, that is the problem. A lot of people have a Metro licence but they do not have a permit. The city is too slow at issuing us permits. It is taking too long. That is why we are saying the city could give us more time for these people to get permits, then come out with the seizure law. We are not against the seizure law, but give the people a place to work, the existing vendors, and also stop the issuing of licences. That is the most important thing. Metro licensing and the city have to stop issuing licences, without a doubt. There are 2,500 vendors in the city. If there are only 100 spots, where are those other 2,400 people supposed to go to work? If they seize our carts, we are out of work.

The Vice-Chair: Okay. I think that is an important point. I would like to thank you for making your presentation.

Llewelyn Robertson, welcome to the committee. You have five minutes.

Mr L. Robertson: Thank you, Madam Speaker and members of the committee. I do not have much to say, because most of the speakers have said what I wanted to say. All I am saying is, I have been a vendor for about six months. I did not know that you have to obtain a permit to vend from the city. I am out of work for five years, so I just see how it works. I make a living. I do not have other sources of income.

I went to the city and asked the licence commission how to obtain a licence. They told me I have to get a safety test on my cart and also a health test. I got some money and obtained a cart, but they did not tell me that I had to get a permit from the city. Had I known I had to get a permit from the city and what it had involved, I would not have gotten a cart, because when I got a cart and went there to get a licence, I then obtained a lot of information. I did not know that you cannot sell on Metro roads. I did not know you cannot sell in front of windows, etc, etc. But I went there and I had been moving, freelancing, so to speak.

What has bothered me, in my opinion, is that when you go to the licence commission they should tell you, "Listen, you cannot sell anywhere." The city controls where you sell and if that is known to a vendor before he obtains a licence, he would go and find out. He would go and make inquiries for information and find out where he is supposed to vend. If that is done, then there would not be a problem.

You cannot expect to have 2,600 people with licences and have 100 permits. How could that work? If the licensing commission says, "Listen, before we give you a licence you have to get a spot; apply to the city and get a spot," then things would be normal. You would not have all this problem.

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But what is happening now is that the licensing commission gives licences out and when the people go out, then they learn, "You can't vend here, you can't vend here, you can't vend there." That is the problem, as a result of which those who have the spots—maybe one guy has 10 or 12 spots. How could that be fair, when one person has a cart, one cart, and cannot sell because the one before had that?

Interjection.

Mr L. Robertson: That is how it happens. Like I said, they were there before us. That is what happening. If the same requirement, the need to obtain a cart, is left with the licensing commission, then no one who comes after would say he did not know, because the licensing commission gives information to that person and that person would not be on the road because he must obtain a permit from the city first.

I would ask—I do not know if it is possible for this bill to be delayed—to get together and have a discussion with those officials involved and straighten this thing out. Now you have paid so much money for a cart, you have gone into expenses. If that bill comes into force, it means I will be out of business because I only have one cart. I do not have a permit. I will be out of business right off the bat, because if I go to freelance here, I will lose my cart. I am applying to the licensing commission. I have a licence, I have propane, I have safety and I have health, but I cannot sell because the city says, "You're not supposed to sell there." That is all I have to say.

The Vice-Chair: Thank you very much for your presentation. Are there any comments that need to be directed now?

Mr Tatham: I just appreciate his comments.

The Vice-Chair: Thank you very much. We appreciate you being here.

Eileen Robertson, welcome to the committee. You have five minutes.

Ms E. Robertson: Thank you, ladies and gentlemen. What I would like to say is the same as Mr Robertson. We went and we obtained the licence but we did not know we had to have a permit, because if this was put to us we would not have bought the cart in the first place. We would have gone and gotten the permit first and then have gotten the cart. But we went ahead and we got the cart and then we were told, "You have to get a permit too."

I was selling one day in the road and the city came and told me I have to move the cart every half an hour. This is impossible. You cannot do this. All I am asking is that the bill be delayed a bit so that we can get together and sort out things so that everybody can have a fair share of it and that we can be able to sell, because we depend on this.

The Vice-Chair: Thank you. We appreciate very much you taking the time to be here.

Cindy Smith, you have five minutes. Welcome to the committee.

Ms Smith: I am with the firm of Gardiner, Roberts and I act as legal counsel to the Toronto Street Food Vendors Associa-

tion. In addition to a lot of the emotional statements that have been made today, all of which I support, I also have a few legal concerns with the bill which I would like to draw to your attention.

First, let me start by saying, as you have already heard, none of the members of our association or any of the vendors here are opposed in principle to having vending regulated in some form, but they do have some concerns about this legislation being imposed this quickly.

First, I have some concerns about the purpose of the legislation. Mr Jakobek has stated that his primary concern is with obstruction to pedestrians. I can see a lot of things on the sidewalks that are obstructions to pedestrians and they are not only vendors. Let's talk about newspaper boxes, tree planters and sidewalk patios that extend out into the street. There are several things on the street in addition to vendors.

Vendors' carts can often only take up a very small space. My office is at King and Yonge and I do not experience any problems with the vendors on the streets in that area. These vendors, I take it, are illegal in the sense that they do not have a permit for those spots.

So a concern I would like to address is what the purpose of this legislation is. Is it to deal with the obstruction of pedestrian traffic or is it to get rid of street vendors?

Second, I am concerned that this may violate some of these people's rights under section 7 of the charter. This equipment can be removed. There is no process for a hearing for these people under this legislation.

I would like to cite for you a British Columbia case which is called *Wilson v BC Medical Services Commission*. In this case, the government tried to regulate where doctors could offer their services. I will quote from that case. I will let you look it up on your own, but it was stated by the Court of Appeal that:

"In our opinion, this scheme offends the principles of fundamental justice. It is based on the application of vague and uncertain criteria which, combined with areas of uncontrolled discretion, leave substantial scope for arbitrary conduct."

That is exactly what this legislation does. There are no criteria whatsoever for the establishment of the removal zones. Theoretically, the city could come along with a bylaw and put out a control zone over the whole city and prevent vending in any form, other than for those few people who do have permits. I think if this legislation is to be enacted, there should be some criteria by which the city can pass its bylaw.

It has already been mentioned by the various people who have been up here, but I just want to clarify so that everybody understands the process. The people have gone to Metropolitan Toronto and Metro has issued licences. They then go to the city of Toronto for permits for the spots and it can take up to two or more years to get these spots. They have to buy their equipment before they get the licence, so they have already made a capital investment. They are not told at the licensing stage that they have to get these permits and that there are such stringent requirements on where permits will be granted. Then, after all this is done, the city will take two years or more to grant a permit for a location.

A lot of these people are in the same position—most of them, in fact. They have been doing this for a number of years, and now all of a sudden this legislation is to come in and totally remove them from the streets, which will leave 100-odd so-called legal vendors.

What everybody has been asking here today and which I am going to ask as well is that the committee delay the passage of this bill so that there can be a recommendation to strike a com-

mittee which will have members from the city, from Metro and from the vendors in order to come to some agreement as to where permits will be provided and to get these permits before this legislation is passed. Otherwise, you are taking away any power they have to negotiate, because they will be physically removed from the streets.

It seems to me there has been a lack of communication between the various parties. Whoever is to blame for that is really not relevant. What is important now is that these groups of people come together to try to come up with something that everybody can live with, because this will put a lot of people out of business. These are immigrant families. A lot of them do not speak English. They are trying to earn a decent living. They do not want to go on welfare, but you are going to leave them no alternative.

I would like to make one other point.

The Vice-Chair: Just wrap up very quickly.

Ms Smith: Yes. One last point I would like to make in addition to what I have already said is with respect to the solicitor's comment before, I believe, about the fact there would be public hearings before the bylaw is imposed. I do not see anything in the legislation which requires a public hearing before a bylaw is imposed and I would suggest that should be amended to provide for that if that is the case. That is all I would like to say.

The Vice-Chair: I appreciate your points of view and your recommendations and I would like to thank you for appearing before the committee.

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CASH-N-CARRY WHOLESALE FLOWER MARKET

The Vice-Chair: Paul Torrie is the last to appear before the committee and then the city will respond to many of the issues raised. The committee will then have an opportunity to question the city.

Welcome to the committee. You have five minutes.

Mr Torrie: Thank you for the opportunity to appear this morning. I would like to just review very briefly with you the fact that I have spoken to some of the committee members earlier this morning. I was retained on this matter late yesterday afternoon and it is only in I guess the last hour that I have had a chance to look at the legislation.

My client is Cash-N-Carry Wholesale Flower Market. They are the folks who you see from time to time selling flowers at different intersections in the city.

As a result of only being retained late yesterday, I approached the committee about the possibility of adjourning so that I could consult with my clients to get proper instructions. I would like to put that on the record.

Failing that, my submission to this committee follows on my colleague's submission a minute ago that this committee should delay this legislation so that the parties who are affected have more time to consult and exchange views about the serious concerns that I think have been expressed here this morning.

I can tell you there are two matters that jumped out at me as I looked at this bill this morning. One of them was just alluded to, and that is a charter issue. I am not sure that the powers of seizure that are granted in this legislation are constitutional. I am saying that off the cuff. I simply have not had time to get

into it, but having looked at it, I have a very serious concern in that regard.

Second, it seems to me from what I have heard this morning that we also have a problem with the fact that the city has gone out and issued a great number of licences, more than can be accommodated on space that it controls, which in turn, as I understand it, forces some individuals to go on Metro roads and so on. Under this legislation their goods can be seized.

It would seem to me it is not fundamentally fair that those individuals who are on Metro should have their goods seized if Metro is not issuing any kinds of licences or does not have a process in place. It is my understanding that Metro does not have a process in place for issuing licences. The city of Toronto does, but Metropolitan Toronto does not.

These kinds of inconsistencies jump out at one just with a prima facie review. I think it is imperative as a result that this legislation be delayed so that these considerations can be looked at in depth and taken into account. As I listened to these people this morning, I do not know how I would feel if I saw my livelihood threatened by a piece of legislation that has not had these matters considered. Those are my submissions.

Mr Kanter: I realize the difficult position that our deputant is in, having been retained very recently, but I am wondering if he is aware that his client, Cash-N-Carry Wholesale Flower Market, has a lengthy history of involvement with the city of Toronto vending legislation—charges, court appearance etc—that goes back at least four years.

Mr Torrie: I honestly do not. I have not had a chance to review that with my client. I guess that is another reason why I would like more time.

Mr Kanter: I just wanted to know if you were aware of that history.

Mr Tatham: I am just getting this through my head a little bit. You said the city issues the licences?

Mr Torrie: That is my understanding. I am happy to hear from the city to clarify it so that I can understand it better.

Mr Tatham: Is it city or Metro?

Ms Smith: Metro issues the licences.

Mr Tatham: Metro issues the licences.

Ms Smith: That is right. Just so everybody is straight on it, Metro issues the licences.

Mr Tatham: And the city issues the permit.

Ms Smith: The city issues the permit for the spot.

The Vice-Chair: I would like to thank you for attending before the committee.

CITY OF TORONTO

The Vice-Chair: I would like to invite back the city of Toronto. It would be helpful to all of us if you could attempt to answer all the concerns, or as many as you feel you can, in as succinct a way as you can. The committee will then ask you questions. I am not putting a restriction on your time.

Councillor Jakobek: I will be quick.

The Vice-Chair: You have heard from over 15 people. If you could, however, do it in between 10 and 15 minutes, that would be fine and then we will ask questions. Is that acceptable to the committee? Go ahead, please.

Councillor Jakobek: I stand by what I said, that the period of time to issue a permit to someone who meets the criteria on a street where we have jurisdictions generally speaking can be done in two to three months, or it can be done in eight to 10 weeks, which is what I said, I stand to be corrected, and I will elaborate on that.

There is nothing I can do, there is nothing the city can do, when a street vendor applies for an application on a city sidewalk where there is insufficient room. We can look at widening the sidewalk, which we have actually looked at doing when we have reconstructed streets like Queen Street by Spadina, but other than that, there is nothing we can do. We simply cannot fit them on, so in many cases they are refused because we cannot accommodate them. I do not think it is fair for a vendor to say, "I have been waiting two years," when the application he made is something we could not accommodate.

Second, people—and I have made notes of where they are vending from—who have been saying to you today that they have been waiting two years are correct. I will not contradict myself. They have been waiting two years because we have no authority over Metro streets.

That is why it is imperative that you pass this legislation today. If you pass this legislation, we will have authority for Metro streets, we will issue permits for Metro streets, and those people who have been waiting for two years will not need to wait any longer. That is a very key point and I want to come back to that. This is seen as a progressive piece of legislation, not regressive. This is seen as a means of allowing many of the people who spoke here today an opportunity to have their licences issued.

I want to assure you, and I think it goes without saying, the city of Toronto is the only municipality in the Metro federation that allows vending. We have gone out of our way to approve vending. I myself have spent countless hours finding locations with our staff to approve vending.

Someone made an accusation and I want to address it, "Tom Jakobek does not allow vending in the Beach area, they do not allow vending in the Dome area," etc.

Let me put it this way to you: We are all elected officials in one capacity or another. If the only choice you have is an out-right free-for-all with no control or not having any vending at all, what do you, as an elected representative, choose to do? You choose to do what I did; you say no vending then.

I do not like that. I do not like the idea of a no-vending area. What I want to see is a controlled vending area where we have the right to limit how many vendors are there so that we can keep the integrity of the sidewalks and the boulevards, which are there for people.

I tell you that if the vendors want to see other municipalities accept street vendors, if the vendors want to see more legal spots allocated in the city of Toronto, then this legislation must be supported as quickly as possible. It is imperative. There is no way that we can proceed without this legislation. We will not accept Metro streets and we will not continue to issue permits on our streets if we cannot control the problem. I tell you that the people who are law-abiding citizens who are out there who have obtained legal permits are in dire need of this protection as well.

I may also comment that in respect to the city rules I think it is an important issue for this committee to know, because we are dealing with fairness. This committee would not want to recommend to the government something which is unreasonable or unfair or where the city has shown bad faith. I think the city has shown good faith. I think the city has shown

that it is seeking every means possible to streamline the process and to issue as many permits as possible.

Its regulations clearly do not say that vending is a right, vending is the priority over pedestrians, that is true, and I think we could stand by that. Sidewalks are for people to walk on, to go from A to B. If we can accommodate a vendor and still keep a minimum amount of space for people not to have to walk out on the street, then the permit is issued. If we can accommodate a person without blocking an entrance to a house or a store, then we issue the permit. But please do not fault us for keeping the priority of sidewalks for pedestrians to use.

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I could go on and I could address individual comments by individual vendors.

Mr Bougadis made a very good presentation. Unfortunately, this legislation has no effect on him at all. He has an ice cream vending truck. They are exempt from this legislation in that we are not talking about the streets. Mr Bougadis has two permits right now. He has choice locations, one of them right in the city of Toronto in front of city hall. Nevertheless, I think some people are confused that this legislation does not pertain to the streets. That is an issue which comes under the Highway Traffic Act and which is governed by a different piece of legislation.

Second, although I can appreciate the comments of the one solicitor about the need for a public hearing, whatever, the solicitor should familiarize herself with the Municipal Act, because the Municipal Act clearly explains the process for bylaws. If she is unaware of the Municipal Act, I have a copy in my office and I am prepared to give it to her. It spells out the rules and regulations in respect to the passing of bylaws which require public hearings. It is not necessary for you to pass anything.

Last, let me just say this: Metro issuing licences is a problem. We in the city of Toronto have addressed it by telling them not to issue any more licences. However, I would not want this committee or anyone else to rush into thinking that this needs to be addressed quickly, because there are some interesting problems with regulating the number of permits, which creates an artificial amount that the permit is worth. I do not think we want to see that happen.

Second, I do not believe that whether we regulate the number of licences or not will solve the problem which we are and have been facing and which we need addressed by this legislation.

I urge you to pass this expeditiously and I assure you that we will continue in good faith to see that vending is given the benefits of the city's actions. We have a number of employees working on this. We are attempting to the best of our abilities to service the vendors, but we cannot forget our priority and our objective, which is to protect the public's interest in allowing people to move freely on sidewalks.

Ms Foran: I just want to say a few more words, and like Councillor Jakobek, I could begin to answer each one of these matters that were raised by the various deputants, but I think I can leave that and safely say that what I have heard here today and I think what members of the committee have heard here today is that it is very clear that the city and Metro roads in the city cannot sustain another summer of illegal vendors who flout the laws and create havoc among themselves, pedestrians, legitimate vendors, retail store operators and the public in general.

I sat down this week with members of the Metropolitan Toronto Police and I said: "What is it that we really need? Do

we really need this power to remove carts?" They said, "What you need is a power that is quick to enforce, effective, well known and has a lasting effect." I then asked them with respect to the public highway where the vehicles travel, "What meets your criteria there?" It is the towing of motor vehicles. It is effective, people understand it, it is known in advance and it has a lasting effect.

That is exactly what council wants to be able to do on the public sidewalks. These are public sidewalks. The primary purpose of the public sidewalk is for pedestrians. But no one wants to do away with street vendors. We want some control. We want a quick, effective, well-known deterrent to illegal vendors. The city needs the power to remove the illegal equipment off the streets, and it is in everyone's interest that the legislation be granted. That is the only way we will be able to increase the number of permits issued by the city, because then we will be issuing permits for the Metro roads, which contain some of the very prime spots. At this time those spots are not permitted because Metro is delegated that part of the city, and without this legislation, the city cannot issue permits on the Metro roads.

It is in everyone's interest that the legislation be granted and be granted now, before the summer season. The Minister of Municipal Affairs has said that ultimately there will be an amendment to the Metro act. The city has agreed. That is fine, we all agree that somewhere along the line this has to be a Metropolitan-type amendment, but in the interim we need some legislation. We have to get on with controlling the sidewalks this summer. The city will be passing a bylaw very shortly, if the legislation is enacted, that will protect the public, the other vendors, the police will be satisfied, and it is something that we will all learn to work with and live with.

The Vice-Chair: Members of the committee who wish to address the city? Mr Kanter.

Mr Kanter: I do not wish to address the city, I just wish to speak.

The Vice-Chair: Within ourselves, fine.

Mr Tatham: Just help me a little bit on this Metro sidewalk. In other words, if this thing is passed, then you will take charge of the Metro sidewalks. Is that it?

Councillor Jakobek: That is correct.

Mr Tatham: You do not do that now at all.

Councillor Jakobek: No.

Mr Tatham: What about this matter of licensing and permitting? Will that still carry on in the same way?

Councillor Jakobek: Yes. For the time being you can still go to get a Metro licence for your vending cart, but that does not guarantee that you can legally vend unless you have gone to the municipality, in this case Toronto because it is the only municipality, and obtained permission to actually vend at a particular location. So this legislation will not solve that question.

Mr Tatham: Would it not make sense to have a two-part form or something, to say that you have to get a licence and you have to have a permit besides?

Councillor Jakobek: Sir, I can only tell you that the city of Toronto's position to Metro—

Mr Tatham: Does that not make sense?

Councillor Jakobek: I absolutely agree that there should be bold letters on that Metro licence that say, "This is not a

permit for you to conduct vending, unless you have the permission of the municipality." Yes, absolutely, it should be there.

Mr Ruprecht: I have a quick question of Mr Tretjakoff first, before I would like to address myself to the city.

One of the items that really concerns me in this piece of legislation is the charge that was made earlier that there are a number of people who are in fact going to profit tremendously and who are presently profiting from the permit section of the city, but who will profit a lot more in the future if, once you have approached the government of Ontario, which will then, in turn, permit the Metropolitan council to stop issuing permits and/or issue permits in some way to certain individuals. The question to you then would be, is it true what Mr Haywood and Mr Marchese have said, that right now there are a number of people, probably four or five people, who actually own or operate 40% or more of the permits that are issued in Toronto?

Mr Tretjakoff: Perhaps the chairman of the vending committee would be best able to answer that question.

Councillor Jakobek: There are two things I would like to say. First off, I believe, in all due respect, that the issue here is whether or not the city of Toronto can use the authority of seizure and/or removal as the means of regulating or controlling its own streets. I do not believe the issue of how many permits or the criteria for permits is necessarily of interest to the government.

Let me answer your question, though. The new city guidelines adopted by council regulate the number of permits to an individual or company to one. That does not prevent each individual member of the family from getting a permit. We simply cannot create legislation or laws or rules or policies that say that you and your brother and your mother and your uncle or cousin cannot each have a permit. So we regulate the number of permits per person now, as opposed to in the past. They did not do that in the past.

Second, the city's new policy, which is now being implemented, is that we not simply issue a permit to an individual and he has it for life. Interestingly enough, a lot of vendors have said this morning they are concerned about the monopolies, per se, but none of them has also addressed to you the fact that they do not favour a public tendering process of any kind for those locations. The city policy is that we do favour some type of public tendering process or leasing process in the future so that people cannot tie these locations up indefinitely. We are aware of the problem; it is a problem. I am not so sure that it is 40%, but it is a problem which we have addressed through our own policy procedures, and we are implementing them now.

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Mr Ruprecht: Let me go back to Mr Tretjakoff, who kindly passed this on to you, Mr Jakobek. I want to get back to him.

I have a list of names here, which you heard earlier, of who owns 40% of all the permits. Who is the biggest person? Who is the person or company that owns most of the permits at present? Can you give me the highest three, at least?

Mr Tretjakoff: This morning's disclosure of the so-called six families that are in control of the vending or have 40% of the vending permits issued by the city is complete news to me. It is the first time I have ever heard of it. There are certain individual family members who happen to have more than one permit, as Councillor Jakobek said, through the fact that—

Interjections.

The Vice-Chair: Order.

Mr Tretjakoff: There are a number of individuals who do have more than one permit and who have obtained those permits legitimately through the process that has been adopted by the city. As far as a certain family or families controlling or monopolizing the vending system is concerned, I am unaware of any.

Mr Ruprecht: That would be getting to my point, because it is a big concern to me. I like to support this, but I like to get some answers. The question I have to you then is, who owns more than 20?

Mr Tretjakoff: The only one that comes to mind, possibly, is a company called Dickie Dee, which sells ice cream in those ice cream pushcarts. And Cash-N-Carry flowers.

Mr Ruprecht: Other than that, it is not of a major concern to you then?

Mr Tretjakoff: Not that I am aware of, sir.

Mr Ruprecht: So the charges that were made are not relevant, essentially?

Councillor Jakobek: Yes, they are relevant in that the city of Toronto has addressed the issue and said we do not believe that any individual or company should have more than one permit when there are so many people waiting for them. That is an issue.

Mr Ruprecht: But at present there are people who have a whole number of permits.

Councillor Jakobek: The only individuals or companies that have more than one permit are those that existed before we passed the legislation. They have been grandfathered, or grandmothered, however you want to look at it, up until this time. We are not sure how to deal with them in the future. We are looking at possibly tendering their locations later.

Mr Ruprecht: I might as well make my final statement and then you will not hear from me again, hopefully.

The concern I have is the following: This is now going to be a brand-new ball game for many people. You, Mr Jakobek, had said earlier that the process of people waiting for permits over two years will, after this has passed, be speeded up, because you will be in much more control than you are now. I would hope that is the case and I have no reason not to believe that. But what concerns me is, what method will you be using to determine who will get a permit?

Have you made that decision yet? That is of concern to a lot of people here. Is it going to be by public tender, and is that a fair method? Is it going to be by a lottery system so that everyone who walks away from here today gets a sense that yes, justice will be done to him and no one thinks there is going to be some hanky-panky where one person will walk away with 20 or 30 permits, or more than is due to him. I would ask you please to consider that when you work out the policy or when you work out the details of these bylaws, that you think of a way and give us assurances in a way, or assurances to the people who are here, that you will work out a process that is fair, just and equitable.

Councillor Jakobek: Right now the city's policy is first come, first served. You have a vendor who has been there for X years and comes forward and says, "I've been there for X years." He gets the permit first. That is the city of Toronto's

policy. We have had suggestions of lottery systems, we have had suggestions of public tendering processes. We have concerns about some of those. If you get into a public tendering process, it gives an opportunity for someone to outbid other people and the small operator or family operator could be outbid.

We have attempted to address two things. One is it is first come, first served, and we do not give multiple licences to individuals or companies, but we cannot prevent families from getting involved. Second, we are looking long-term in terms of how long that person should have that permit for. Obviously they should have the permit long enough to recoup their investment and to make a decent or reasonable profit from it, but should they have it for ever? I think the answer to date by the city is no, there should be a limitation to it so that it is open to everybody.

The Vice-Chair: Any discussion within committee?

Mr Kanter: I support vending in a controlled manner and I think this legislation, with the amendments that have been suggested, will help with that objective. I am well aware, certainly after this morning's discussion, there are other problems: Metro's licensing commission, the number of permits, the lack of relationship between Metro and the city and the fact that no vending at all is allowed currently on Metro roads or is allowed in other municipalities. I think that is a real problem, but I think at least the fact that Metro and the city are here together today in support of this legislation indicates that they will hopefully work together better in the future on these problems.

We also heard some concerns—very valid, legitimate concerns—raised, about the process for allocating these permits in the city, the process for retaining them, that kind of thing, but it seems to me that none of these will matter if there is no system for enforcing a regulated system. Vending is popular, it is desirable, it should be allowed. It has to be regulated to work in the city of Toronto. You cannot have, as the mayor put it, chaos on the streets. I heard the request for a deferral. I would not support it. I am quite familiar with this issue, although I have not been on city council for three years, because the issue was being discussed then.

I know from experience that Mr Tretjakoff, members of council and others have gone out, as I did in my day, to look at individual sites and try to regulate this in a reasonable and sensitive manner. In my view we need a system of control or regulation. Any system of control or regulation will require enforcement. I believe enforcement is a priority this summer. I would urge members of the committee to support this legislation with the two small amendments.

I would also urge Mr Jakobek to proceed with improvements to the city system, and also Mr Doyle, who is the only representative of Metro here today, if he is still here at the back—if he is not here, hopefully he will read this on the record—to encourage Metro and the city to get together on this thing to help folks out here who have really suffered some great difficulties and injustices as a result of other problems, in addition to the enforcement problem. I certainly urge members to support this legislation, before us today, that the city has brought to us with the support of Metro.

Mr Tatham: I think Mr Kanter has made some wise observations. The one thing, though, that I think should be discussed is the matter of public hearings. What is the procedure as far as public hearings are concerned, after this is passed?

Councillor Jakobek: A bylaw is drafted, it is published in all three daily newspapers and any person who has an interest, in particular, people who we know as being vendors, will be mailed a notice of the bylaw hearing.

Mr Tatham: Everybody who is a vendor or everybody who has been licensed? How does that work?

Councillor Jakobek: Any person who will have appeared before city council or its committees with respect to vending, including businesses, etc, will be sent a copy of the bylaw and notice of hearing. There will be a public hearing at city hall.

The Vice-Chair: I think those last two comments really summarize some of the things I was going to ask outside the chair. If I might make an observation before the vote, I would like to thank everyone for being here because I think it is only when we can get together in such an orderly fashion to explain and to express our concerns that this becomes, I guess, a case of record where you can get both parties that are willing, in fact, to work towards a common goal.

I think what you are hearing here, not only by the representatives but by the applicants themselves and by the committee, is that following on the bill and the vote, you feel that the process can take into account the reservations and comments of the vendors who are here.

Sections 1 and 2 agreed to.

Section 3:

The Vice-Chair: Mr Kanter moves that subsection 3(2) of the bill be amended by adding at the beginning, "Subject to subsections (3) and (4)."

Motion agreed to.

Section 3, as amended, agreed to.

Sections 4 and 5 agreed to.

The Vice-Chair: Mr Kanter moves that the bill be amended by adding the following section:

"5a This act is repealed on the third anniversary of the day it receives royal assent."

Motion agreed to.

Section 6 agreed to.

Preamble agreed to.

Title agreed to.

Bill, as amended, ordered to be reported.

The Vice-Chair: I would like to thank the applicants and the participants for coming to this session. I know you will continue to work together, and I appreciate your being here. Thank you.

The committee is adjourned until next week. You will receive an agenda.

The committee adjourned at 1251.

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 MacDonald, Keith (Prince Edward-Lennox L)
 Mackenzie, Bob (Hamilton East NDP)
 Morin-Strom, Karl E. (Sault Ste Marie NDP)
 Pollock, Jim (Hastings-Peterborough PC)
 Ruprecht, Tony (Parkdale L)
 Tatham, Charlie (Oxford L)

Also taking part:

Polsinelli, Claudio (Yorkview L)

Clerk: Freedman, Lisa

Staff:

Hopkins, Laura A., Legislative Counsel
 Mifsud, Lucinda, Legislative Counsel



T-6 1990

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Legislative Assembly of Ontario

Second Session, 34th Parliament

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Deuxième session, 34^e législature

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 6 June 1990

The committee met at 1009 in room 151.

ONTARIO KOREAN BUSINESSMEN'S ASSOCIATION ACT, 1990

Consideration of Bill Pr73, An Act to revive Ontario Korean Businessmen's Association.

The Chair: I understand that the members of the third party have indicated that we can proceed in their absence, so we will get started. The first delegation before us deals with Bill Pr73, An Act to revive Ontario Korean Businessmen's Association, and the sponsor is Mr Ruprecht. I understand we have Ralph Levine, Albert Strauss, Ken Kim and In Ju Hwang. Perhaps you could identify them, Mr Ruprecht, for purposes of Hansard.

Mr Ruprecht: I take great pleasure in introducing this bill, the distinguished members of the Ontario Korean Businessmen's Association and, of course, the distinguished counsel who is on the right-hand side. On the far right is Albert Strauss, QC, the co-counsel. To his left is Ralph Levine, counsel; the president of the Ontario Korean Businessmen's Association, In Ju Hwang, who is the applicant, and in the audience Ken Kim, who is the administrator.

The charter defaulted because of some inadvertence, and I would ask the committee to have the charter revived.

The Chair: If there are no questions from members of the committee, I think we are probably ready to vote on the matter. Any questions from members of the committee at all?

Mr Mackenzie: There are no objections at all.

The Chair: No, I am advised not. Having said that, I suppose I should first offer the opportunity if anyone there wishes to say anything, but I would not think you would. We are ready to vote then.

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: Thank you very much for coming before us. I apologize for the delay in getting started.

OTTAWA ARTS CENTRE FOUNDATION ACT, 1990

Consideration of Bill Pr41, An Act respecting Ottawa Arts Centre Foundation.

The Chair: The next delegation we have before us is on Bill Pr41, An Act respecting the Ottawa Arts Centre Foundation. Mr Grandmaitre is the sponsor and the applicant we have is Robin Ritchie, QC. I think we have all had an opportunity to review the bill.

Mr Grandmaitre: To my right is Robin Ritchie, QC. I am delighted to stand before you this morning and tell you the good news about the—

The Chair: You are sitting.

Mr Grandmaitre: Usually we stand in the House, but this morning I am sitting.

I want to tell you all about the Ottawa Arts Centre Foundation. I think it is a former police station of all places. It took them a number of years, maybe four years, to get it off the ground. They are serving not only the community of Ottawa-Carleton, but Prescott and Russell and as far away as Almonte, Renfrew, you name it. I think they deserve an exemption to their municipal taxes and school taxes. They have been trying very hard for the last two or three years to do without this type of exemption. I hope you will understand that we may live close to Parliament Hill, but we do need this exemption in order to continue the services provided by the Ottawa Arts Centre.

Mr Mackenzie: We have an amendment, I see, that has been circulated, which makes sense to me. Was this suggested by the ministry?

Mr Grandmaitre: This was suggested by the organization itself.

Miss Martel: I notice the retroactivity for the exemption in the bill is September 1988. The recommendation from the city of Ottawa was January 1989. Is there a reason for the change?

Mr Ritchie: There is no reason for the change. It is just the way it happened. We are happy with either date.

Mr Grandmaitre: Also, at this time, I would like to move that the committee recommend that the fees and the actual costs of printing—

The Chair: Perhaps we can delay that until after the bill is passed, and then you can move that motion, Mr Grandmaitre. However, if you would like to return to your place, I understand if you are properly substituted in, you can move the amendment when we get to it.

There was just one question I had. Maybe it is because I have misread it, but it talked about the Arts Court being not incorporated. Yet I gather the foundation itself assumes the role of the Arts Court, or how does that work?

Mr Ritchie: The Arts Court is a colloquial name for the Ottawa Arts Centre Foundation, which is a charitable organization.

The Chair: Well, at page 3 of the compendium it says, "It is the opinion of the legal department and of the regional assessment office that Arts Court does not currently have any basis for an exemption from the Assessment Act as: (ii) it is not an incorporated charitable institution." I note that it is referred to as being incorporated by letters patent dated 3 May 1984 and it is a registered charitable organization.

Mr Ritchie: Well, it is registered and it was incorporated on that date. I do not have the letters patent with me, but I certainly can provide them.

The Chair: This predated the incorporation, I gather.

Mr Ritchie: I do not think it did. I think the incorporation was 1984.

The Chair: Well, as I say, on page 3 of the compendium—you have the compendium there?

Mr Ritchie: I do not have it with me.

The Chair: Maybe the clerk will give you a copy of it. It may be simply that in this day of whiz-bang word processors something got put in there that should not have. Notice subparagraph (ii), which says “it is not an incorporated charitable institution.”

Mr Ritchie: I had noticed that before and I do not think it is correct. We have letters patent and we are perfectly organized from a legal point of view.

The Chair: Any further questions? Are we ready to vote? We need the amendment first.

Mr Grandmaitre moves that section 1 of the bill be amended by adding the following subsection:

“(3) No exemption shall be granted under subsection (1) in respect of land that is used for a commercial purpose even if that commercial purpose has a cultural or recreational aspect to it.”

Ms Oddie Munro: I just want a point of information. I was Minister of Culture at the time that some of the funding went forward to Arts Court and I wonder whether I should, therefore, not vote on the regulations?

The Chair: I would not think there would be a conflict at this point.

Ms Oddie Munro: I do not know. I just thought it was something I would ask for the Chair's ruling on.

The Chair: The legislative counsel does not seem to think that there is conflict, but if you would feel more comfortable not voting, we certainly have plenty of people to vote. Perhaps we will record that and if you do not wish to vote, that is fine.

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 to 6, inclusive, agreed to.

Preamble agreed to.

Schedule agreed to.

Title agreed to.

Bill, as amended, ordered to be reported.

Fee-waiving motion agreed to.

The Chair: Thank you very much. Have a safe trip back to Ottawa. Maybe we will come up and watch that show, that foundation or any of the other shows that are on the hill.

TOWNSHIP OF GUILFORD ACT, 1990

Consideration of Bill Pr79, An Act respecting the Township of Guilford.

The Chair: The next matter before us is Bill Pr79, An Act respecting the Township of Guilford. The sponsor is Mr Eakins and the applicant is Mr Black, barrister and solicitor, and Mr Kent Mitchell, president of the Basshaunt Lake Homeowners and Cottagers Association. Mr Eakins, perhaps you could identify for purposes of Hansard who is who here.

Mr Eakins: On my immediate right is Russel Black, who is the solicitor for the municipality of Dysart et al, and to his right is Kent Mitchell, president of the Basshaunt Lake association. This bill is pretty well straightforward. It deals with the existing situation. If any members have questions, I am sure that Mr Black or Mr Mitchell can respond to them.

The Chair: Are there any questions of members of committee? There do not appear to be any questions, so we are ready to vote.

Sections 1 to 9, inclusive, agreed to.

Preamble agreed to.

Schedules agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: Thank you very much. I appreciate your coming. Have a nice summer on the lake.

Mr Mitchell: Thank you, Mr Chairman.

The Chair: This committee is getting so fast that people probably have just tuned in before they are tuned out. We stand adjourned. We have another committee hearing next Wednesday at the usual hour.

The committee adjourned at 1022.

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 Mackenzie, Bob (Hamilton East NDP)
 Morin-Strom, Karl E. (Sault Ste Marie NDP)
 Pollock, Jim (Hastings-Peterborough PC)
 Ruprecht, Tony (Parkdale L)
 Tatham, Charlie (Oxford L)

Substitutions:
 Grandmaître, Bernard C. (Ottawa East L) for Mr Tatham

Also taking part:
 Eakins, John F. (Victoria-Haliburton L)

Clerk: Freedman, Lisa

Staff:
 Mifsud, Lucinda, Legislative Counsel



T-7 1990

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 13 June 1990

The committee met at 1013 in committee room 2.

CITY OF OTTAWA ACT, 1990

Consideration of Bill Pr60, An Act respecting the City of Ottawa.

The Chair: We are in session. I wonder if we could change the agenda just slightly. Mr Chiarelli is chairing the standing committee on administration of justice, which is in session, and he appears as sponsor on Bill Pr60, An Act respecting the City of Ottawa. Perhaps we could have unanimous consent that we would have Mr Chiarelli's bill first, let him introduce the presenters and then go back to chair the justice committee. Is that agreed?

Agreed to.

The Chair: He is coming in right now. Mr Chiarelli, the committee has given unanimous consent that you can go first so you can return to chair the justice committee. Perhaps you would introduce, for the purposes of Hansard, the gentleman to your right.

Mr Chiarelli: I am pleased to sponsor Bill Pr60, An Act respecting the City of Ottawa, and I am pleased to introduce the city solicitor for the city of Ottawa, Frank Askwith. I would ask Mr Askwith to perhaps very briefly explain the nature and purpose of the bill, if that is suitable to you.

The Chair: All right. Do you want to stay?

Mr Chiarelli: I can stay for a few minutes.

Mr Askwith: Thank you, Mr Chairman and members of the committee, for taking this bill out of order. The city of Ottawa superannuation fund is the city's pension plan that preceded the OMERS scheme. The plan is administered by a board of trustees of 13 people, of whom the majority are members of the Ottawa city council or appointees of the council.

At the present time the pensions that are payable under the plan are based on five-year averaging and this bill is necessary in order to reduce that time frame to three years, if, as and when sufficient surplus funding is available to it, in order to have the employer pay into a three-year plan. The request is from the city and the proposed amendment to the plan is approved by the council.

The plan would require an amendment and that amendment would require the approval of the Pension Commission of Ontario. The commission would not approve the amendment of the plan without ensuring that there is sufficient funding in place. I have had discussions with the office of the legislative counsel and with the Ministry of Municipal Affairs. Municipal Affairs is proposing an amendment addressing funding and it is completely satisfactory to us.

If there are any questions that I or the fund's actuary—Mr Brown is the fund's manager—or Mr Fortune can answer, we would be pleased to do so.

The Chair: You will all note in your material that there is an objection registered by J. Bernard Walsh. Mr Walsh is not

here but I think there is a statement that he has made. Have you got a copy of that objection?

Mr Askwith: I do.

The Chair: I gather the situation with Mr Walsh is that he is a present contributor. Would that be fair to say?

Mr Askwith: Mr Walsh is a pensioner. He was employed with the city for some period of time. He is in effect saying that factually, if you put moneys to that purpose, you will not have moneys for another purpose, and that is to help the—

The Chair: As I read his objection, he is actually getting a benefit from this change, as a pensioner.

Mr Askwith: Not necessarily so. We would have to see what moneys are available and how far the benefit could be extended. There is on file with the legislative clerk a letter of support from the Ottawa-Carleton Pensioners Association. They are represented on the board of trustees and they have written to us saying that they support the bill.

The Chair: We do not have a copy of that. Do you have a copy by any chance?

Mr Askwith: I do.

The Chair: I wonder if you could give us that copy and we will have copies made for the members. We do not have it on file.

Mr Askwith: I have a number of copies.

1020

The Chair: That may help. I will just give the members a chance to read that and then I will inquire if there are any questions. I understand as well, just while they are reading, that an amendment has been proposed and is acceptable to the applicants.

Mr Askwith: Yes.

The Chair: Does everybody have a copy of that amendment? They should have. Just give the members a chance to take a look at that. Are there any questions by any members of the committee of Mr Askwith?

Mr Tatham: What happens to the people who are already pensioned off? Will they get some more money or will they get the same? What takes place there?

Mr Askwith: It depends on the amount of the surplus. If there is a sufficient surplus to encompass pensioners that is something the board of trustees would consider, but I would tell you that over the past five years all the plan improvements that have been made—they amount to some \$18 million in improvements—have been given to the pensioners or their spouses. In proposing this amendment, the first group to be looked at would be the current contributors, and as I say, if there was sufficient funding to encompass others, that would be a serious consideration of the board.

Mr Tatham: In other words, based on this proposal the people who are now contributing supposedly will get more money when they retire, but the folks who are retired may or may not get it. Is that it?

Mr Askwith: Yes, that is correct.

Mr Mackenzie: There are two questions I have. First, as I understand it, you are changing the current five-year averaging to three years, the last three years of service.

Mr Askwith: That is our request, yes.

Mr Mackenzie: So the question just asked is correct. Those who are currently contributing will see a better pension as a result of it, based on the last three years.

Mr Askwith: Yes.

Mr Mackenzie: But none of the pensioners currently drawing a pension is guaranteed any increase at all.

Mr Askwith: There is no guarantee even for the current members because there will have to be the identification of a funding situation that the pension commission, and indeed in the first instance the board of trustees, will approve before there can be any additional benefit extended to anyone.

Mr Mackenzie: I am sure you are aware this is an ongoing complaint of many pensioners who are tied into so many of the old schemes, that they are the last ones considered in any of these arrangements.

Mr Askwith: I understand it to be a valid concern. In this instance the board of trustees has been quite helpful to pensioners. The pensioners association, in writing to support the bill, realized that and that is the reason for their support. They feel they have been treated fairly and they know they will be treated fairly in the future if there is funding to permit that.

Mr Mackenzie: Obviously with the exception of at least one.

Mr Askwith: Mr Walsh, yes.

Mr Mackenzie: The second question is, are any of the employees involved in this plan organized? Do they have a union?

Mr Askwith: Oh, yes.

Mr Mackenzie: Has the union been consulted or involved in the discussions on this whatsoever?

Mr Askwith: Absolutely. The board of trustees has among its 13 members representatives of the municipal firefighters association, the local CUPE, a professional association that represents city employees, the police association is represented and the Ottawa-Carleton Pensioners Association has been represented. They have all been consulted.

Mr Mackenzie: There have been no objections from any of the organizations that represent employees?

Mr Askwith: No. They are strongly in favour of this for their membership, including the pensioners association.

Mr Mackenzie: I have some difficulty. The three-year averaging is becoming the standard, it seems, almost everywhere now and I do not disagree with that, but I have some difficulty with the fact that current pensioners are not likely to see any benefit from this.

Mr Miller: According to Mr Walsh's letter, my concern is that there are cost-of-living benefits for the older pensioners and I see by the letter he indicates there was a 2% increase effective on 1 July 1989. Is that an ongoing policy within the pension plan to give a cost-of-living benefit to the older pensioners?

Mr Askwith: Between January 1985 and July 1989 the fund had \$18 million in improvements, the majority of which was given to the pensioners and the remainder to spouses, so nothing was put in to immediately benefit contributors. The moneys in the past five years have been given to the pensioners. That has been the policy of the board and I, personally, have no doubt that policy will continue, subject to available funding.

Mr Miller: Will this make any difference to the percentage of contribution to the fund on behalf of the employees?

Mr Askwith: No, because the actuarial surplus will identify the funding and the moneys will have to be there in the fund before the benefit can be activated.

Mr Mackenzie: One further question: You say that this has been approved by the representatives of some of the organizations that represent the employees in the city of Ottawa, such as firefighters. I do not know if there is an Ontario Public Service Employees Union or a CUPE local there or not.

Mr Askwith: There is.

Mr Mackenzie: Has that approval been only from those members among the 13 who serve on the board or has there been any communication at all with their organizations?

Mr Askwith: They are actually the contact with their organizations, so when the representative of the firefighters voted in favour of this—

Mr Mackenzie: Did he state he was speaking on behalf of the firefighters association?

Mr Askwith: He is. That is his only mandate. He is there to represent his members and the staff organizations, the unions involved are in favour of the bill.

The Chair: Are we ready to vote?

Mr Tatham moves that section 1 of the bill be amended by adding the following subsection:

"(2) Subsection (1) does not apply unless the board of trustees of the city of Ottawa superannuation fund has submitted to the Ministry of Municipal Affairs an actuarial report showing that there is a sufficient actuarial surplus in the fund and that the contribution rates are sufficient to provide pension benefits using the benefit formula in subsection (1)."

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 and 3 agreed to.

Title agreed to.

Preamble agreed to.

Bill ordered to be reported.

1030

The Chair: We will return to the order as set out in the agenda. Ms Poole is not here today.

Mr Tatham: I am Ms Poole.

The Chair: You are Ms Poole, okay. You sure look different today.

AXA HOME INSURANCE COMPANY ACT, 1990

Consideration of Bill Pr69, An Act respecting AXA Home Insurance Company.

Mr Tatham: On behalf of Ms Poole, I am pleased to present Bill Pr69, An Act respecting AXA Home Insurance Co. These folks can tell you all about it.

Ms Lyons: I am Carol Lyons, counsel for AXA Home. I would like to introduce to the committee Joseph Fung, the senior vice-president, finance and administration.

Just as a way to start, the necessity for this legislation comes about because AXA Home Insurance Co is incorporated under the Corporations Act and there is no mechanism in the Corporations Act providing for a manner of discontinuance of a jurisdiction of incorporation from Ontario, federally or anywhere else. Therefore, in order to do that, it is necessary to have a special bill passed. That is the reason for this coming before the committee.

The Chair: That seems pretty straightforward. I should also add that I understand there are no comments from our representative for the government, who is not here. He is in London, but I am told that there are no objections. There will be comments from the Ministry of the Environment on one bill that is coming forward. The reason I am not referring to this person is that he is being very silent. Ready to vote?

Mr Ruprecht: Is there an amendment?

The Chair: I am sorry, yes, there is. That is right. We can deal with section 1, because that is an amendment to section 2. Shall section 1 carry?

Section 1 agreed to.

Section 2:

The Chair: Mr Miller moves that section 2 of the bill be amended by striking out "Department of Consumer and Corporate Affairs of Canada" in the fifth and sixth lines and substituting "Office of the Superintendent of Financial Institutions Canada."

Motion agreed to.

Section 2, as amended, agreed to.

Sections 3 to 5, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill, as amended, ordered to be reported.

The Chair: Thank you very much, Ms Poole.

Mr Ruprecht: Did you compliment Charlie Tatham that he did a good job?

The Chair: No. He could be asking for more pay if we did that.

With the permission of the committee and perhaps the people in attendance, since we may spend a little more time on Bill Pr65 than on the latter one, we might go to Bill Pr70 and deal with that first.

Ms Oddie Munro: Bill Pr66.

The Chair: I am sorry, yes, we will go to Pr66. I need new glasses. Mr Miller, you are the sponsor.

TOWN OF SIMCOE ACT, 1990

Consideration of Bill Pr66, An Act respecting the Town of Simcoe.

Mr Miller: I would like to introduce the members of the town of Simcoe: Mayor Jim Earl; the chief administrator, Richard Campbell, and the lawyer for the town of Simcoe, James Tyrrell. I would like to welcome them here before the standing committee on regulations and private bills this morning. They have a bill respecting some market square property they would like to have adjusted, and I will let them make the explanation.

Mr Tyrrell: We are asking for a bill to correct a technical situation. Back in 1947 the Legislature passed a private member's bill to vest certain property which was always known as the market square in Simcoe in the municipality because there had never been a deed to that property from the Kent family, although it had been used as a market square for many, many years. In that bill, as you will see from the material in front of you, the assent of the electors was necessary if there was any change from the use of the property other than to continue its use as a market square.

The assent of the electors was obtained in 1947 when an ice arena was built on part of the market square. The particular piece of property in the town of Simcoe is no longer used as a market square. The farmers' market has been moved to another portion of the municipality. The present use for the square is the ice arena and parking facilities. The municipality is requesting that the restriction with respect to the consent of the electors be removed but that the title, of course, continue to be vested in the municipality.

The Chair: Any questions from members of the committee? I think it is very straightforward.

Mr Mackenzie: I am curious about at least one letter of opposition that is here.

Mr Tyrrell: You will notice that the letter is addressed to the Clerk of the Legislative Assembly from Mr and Mrs Joyce, residents of the town of Simcoe, and there is a response to that letter from the clerk of the committee indicating that she would like to know by 30 April 1990 if the Joyces wished to submit either written opposition or appear before the committee to make their opinions known.

I know the Joyces personally, and I have looked around the room, and I notice they are not present. As far as I am aware, there has been no other communication to any official in your organization from the Joyces indicating one way or the other.

Also, if you look at the second page of their letter, they are asking for information so that they can decide whether or not to make a submission for or against the application.

Mr Mackenzie: Is this the same party from whom we have a copy of a letter here, Madge and Larry?

Mr Tyrrell: That would be correct, yes.

The Chair: You are only removing this condition that was, I gather, imposed by the Simcoe Act of 1947 from a portion of the land.

Mr Tyrrell: The Simcoe Act of 1947 did two things. It vested two pieces of property. One was what was known as the

old army camp and the other was what was the market square, because, as I understand it, at that time they were going to proceed with the ice surface on part of what was the market square and realized on the search of title that there had never been a deed from the Kent family to the municipality. So even though by use and occupation it had been used that way for close to 100 years, there was no actual title. In that bill, there was the condition imposed that if there was any change in use, you had to go to the electors for their assent.

The Chair: I understand that. My question was that this is only removing it from part of the land.

Mr Tyrrell: That applies only to the market square. That is correct.

The Chair: Is there an ice arena on there?

Mr Tyrrell: There is an ice arena on the market square.

1040

The Chair: The ice arena still remains subject to—

Mr Tyrrell: And still in use, yes.

The Chair: Mr Mackenzie, does that help? I do not know whether it does or not.

Mr Mackenzie: I would like to just verify it. You say that you have talked to the Joyces.

Mr Tyrrell: No, I have not. I simply went on the premise that the letter was written to the Joyces asking them to state their intention one way or the other by 30 April, and we have received no communication from anybody indicating that they have taken any position one way or the other, other than that letter.

Mr Mackenzie: Is there a particular plan now for the balance of this property?

Mr Tyrrell: There are no plans at the moment. The property is fully in use as a public municipal parking lot and ice arena.

Sections 1 to 4, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: We are now at that stage that I advanced to a little earlier. Perhaps with the consent of the committee, we could move to Bill Pr70 and then go back to Bill Pr65. We should not be that long, I say to anybody who is here on Bill Pr65. We will get this out of the way and then we can give you our full attention.

HUMAN RESOURCES PROFESSIONALS ASSOCIATION OF ONTARIO ACT, 1990

Consideration of Bill Pr70, An Act respecting the Human Resources Professionals Association of Ontario.

The Chair: The clerk is now passing out two letters. I will give you an opportunity to read those before we proceed.

Is there anyone in attendance from the Canadian Public Personnel Management Association? Okay. Is there anyone in attendance from the International Personnel Management Association? You are from the Personnel Association of Ontario? We are waiting for another letter that has just been filed from Jane Gunther, so maybe we will proceed in the interim.

Mrs Cunningham, if you would like to introduce, for the purposes of Hansard, the people who are to your left.

Mrs Cunningham: I would like to welcome members of the Human Resources Professionals Association of Ontario to the committee. I will introduce Anneli Le Gault. She will be presenting Bill Pr70, An Act respecting the Human Resources Professionals Association of Ontario. She will introduce her colleagues and perhaps take it from here.

Ms Le Gault: I have with me James Shields, who is the registrar of the HRPAO, and Ross Finlay, who is the executive director of that association.

I know you have received all the materials and I will not take up a lot of time with background, but I would just like to point out that the Human Resources Professionals Association of Ontario has a long and venerable history, having been formed as the Personnel Association of Toronto 54 years ago. It has always been strongly involved in providing courses to people in the field of human resources. In fact, in 1949, the predecessor organization was holding discussions with the University of Toronto concerning a course in personnel. Finally, this program was offered by the U of T in 1966.

Since 1980, there has been a newly named certificate called a certificate in personnel management, or CPM, which is offered to qualified members. There are currently 661 graduates of that program, and there are about 2,000 other people currently involved in the course work. They are generally working during the day and trying to do the course at night, so it takes a while to get through it. There are 16 universities and 22 community colleges in Ontario offering the courses for the certificate.

As you are all aware, the field of human resources has become increasingly complex in Ontario and elsewhere, and it will certainly continue to do so, especially with the advent of pay equity legislation, the workplace hazardous materials information system program, proposals for employment equity in Ontario and Human Rights Code amendments. The complexity of workplace issues is best met, we feel, by competent, qualified human resource professionals working in the companies. Also, the impact on individual workers of violations of human rights or equality and employment standards legislation in particular is minimized by having certified and trained professionals bound by a code of ethics and a disciplinary procedure.

The act itself is quite brief and it simply restructures the former Personnel Association of Ontario as the Human Resources Professionals Association of Ontario.

Basically it provides for the granting of a designation called certified human resources professional, or CHRP. This is based on course work and/or work experience in the field. The act and the association do not in any way restrict anyone from working in the human resources or personnel field, and there is no obligation on anyone to take the course work. For example, if you have enough experience in human resources, you can go through the peer review process and receive the designation.

Equally important, the bill sets up a disciplinary process. This association does have a comprehensive code of ethics by which all of its members are bound, and the disciplinary process would allow for discipline for professional misconduct.

1050

We strongly believe that this bill is in the public's best interest. Last year our newspapers, for example, were full of a certain human rights complaint which arose in Toronto. After

directives from management of a company to not hire members of certain minority groups, the human resources manager resigned in protest. Our goal here is to provide such people with a code of ethics to guide them and with a support group should they find themselves in such a predicament.

Ontario is a multiracial, multicultural society and, as a result, we have equal pay laws, pay equity, sophisticated human rights legislation and proposed employment equity. Ethics and fairness to our workers and a workplace that offers dignity and respect for differences are all increasingly important in Ontario. For this reason, the association does have its code of ethics and proposes this disciplinary process.

As well, the Ontario government has increasingly been concerned over the safety of workers. Human resources professionals now deal with the workplace hazardous materials information system and with Bill 208 and Bill 162, which amend the occupational health and safety laws and workers' compensation laws.

Human resources related legislation and regulations and the common law from the courts are creating an increasingly complex area. We strongly believe that standards of competence and qualifications would help to ensure that workers are protected, that the laws are not broken and that employers and workers are well served.

The Chair: Are there any questions from the members?

Mr Mackenzie: I would like to hear a little more. There is obviously opposition to this particular bill.

The Chair: We will call them forward. Maybe in anticipation of that, you could just tell us this. The major concern seems to be that these people would be required to join a second professional association and meet standards established by that association. Would that be the case?

Ms Le Gault: No, it would not. Currently, members of the other association, CPPMA, certainly can join PAO, and in fact about 150 PAO members are also members of the other association. This bill and this association do not in any way restrict anyone's right to practise at all in the field, and it is certainly possible to be a member of both associations at the same time. As I noted, a number of them already are.

The Chair: So the first part, they would have to join another professional association?

Ms Le Gault: If they wish to have this particular designation, yes.

The Chair: Would they have to meet different standards or are they the same standards?

Ms Le Gault: One of the standards of our association is based on 10 years of experience in the field. The members of the other association all work in the field. They are in the public or quasi-public sectors. Obviously, that experience counts entirely for accreditation purposes.

Mr Tatham: Have you folks read the Pass Group's story?

Ms Le Gault: Yes, we just received it this morning.

Mr Tatham: The last point is: "It would be preferable if Canada-wide standards were established through overall consultative mechanisms, administered by provincial bodies and governed by similar legislative provision." Does that make sense?

Ms Le Gault: I have two comments with respect to that. First, we believe that in Ontario, which has a very sophisticated human resources area, especially with respect to legislation, the time is ripe and it is for the public good to have these people qualified and certified. However, there have been discussions held on 20 and 21 March of this year, I believe, with all the other associations from across Canada to see what can be done on a Canada-wide basis. I think that process would probably be quite slow to get that many groups in agreement. We feel that in Ontario the time is certainly right now to proceed. Concurrently there are some discussions going on Canada-wide.

Mr Tatham: I know you can be an architect in British Columbia but you have to pass the exams down here. I would rather see us do this throughout the country. We seem to compartmentalize and balkanize ourselves, provincialize ourselves, maybe.

Mr Mackenzie: I am not sure you answered the question. I am looking at the fourth paragraph in the "Re: Pr70" document that we just received, I gather the arguments of the Canadian Public Personnel Management Association, where it says, "The immediate implication of the enactment of this bill is to require our members to join a second professional association and to meet standards established by that association in order to achieve or be awarded that professional designation." Is that correct or is that not correct?

Ms Le Gault: We do not have a copy of that document.

The Chair: Show us what you are referring to and we can give them a copy.

Mr Mackenzie: It was just distributed. This is from Jane Gunther, president, Canadian Public Personnel Management Association.

The Chair: Okay, we have it. We will get one to the group. Could you maybe just tell us where you referring to in that letter?

Mr Mackenzie: First page, fourth paragraph. They go on in the next page, if you have it before you, to list a number of reasons why they are opposed to this current legislation.

Ms Le Gault: It is true, as they state in paragraph 4 on page 1, that should members of the CPPMA wish to have this particular designation after their names, they would have to join the HRPPO and meet the standards. However, there is absolutely no requirement for them to have to get that designation and in fact employment in the government is often quite different.

Mr Mackenzie: I am not sure that would satisfy many people who realize some of the problems we have had with the chartered accountants and the certified general accountants and what they can and cannot do as a result of not carrying that, even though their training may be as extensive and their ability to do the job as adequate as the other. I am just using that as an example, the CAs and the CGAs. I remember the long battles we have had in this Legislature over their rights and what they can or cannot do.

Ms Le Gault: This bill is somewhat different, though, in that there are not standardized tests and courses that have to be taken. If, for example, you were not a certified HRP, your resumé would reveal that you had the 10 years of experience. Remember that you can get this designation without taking course work; you can achieve it just through your experience in the relevant field. I am sure the applicants' resumé and inter-

view process would reveal the depth of experience without their having that designation.

Mr Mackenzie: Is the difference really the public versus the private sector approach of the two groups, which seemed to be an implication in the letters? Do you have any idea of the numbers that are being represented, either of your group or the CPPMA?

Mr Shields: To the best of my knowledge, the CPPMA is somewhere in the region of 1,300 people. They will verify this, I am sure. That is across Canada. HRP AO has approximately 6,500 members as of 15 May, most of whom are in Ontario. Approximately 200 are elsewhere. They are, as you heard earlier, largely private sector members. What HRP AO is looking at are standards of conduct which must start somewhere—they rarely seem to start nationally—and this organization, representing the largest single group in Ontario and co-operating with other organizations in going a similar route is starting now and recommends that it be done now.

1100

Mr Mackenzie: What you are saying is that the standards that are being set should be set by the private sector organization rather than the public sector organization. Perhaps your argument is that they are more capable of doing it.

Mr Finlay: This bill is for the members of our associations, who are largely private sector members. So yes, in response to their request for standards for themselves, we are responding with this.

Mr Mackenzie: Are you saying, in effect, that you want to set the standards for them as well?

Mr Finlay: They have requested that this association do so in a survey that we conducted back in 1987.

Mr Mackenzie: I would want some verification of that, Mr Chairman.

Mr Finlay: I have a copy of the survey right here.

The Chair: Maybe you would like to take a look at that and I will move to Ms Oddie Munro and come back to you.

Ms Oddie Munro: I think the idea of designations and standardizations and professional ethics is a good one. I am concerned, though, that in moving—and I understand the problems even, perhaps, in calling yourself the Personnel Association of Ontario—to a more generic term, human resources professionals association is a big step in generic terminology. I would think it would make more sense to get everyone that you can on board so that these terms are recognized by similar organizations.

I would like to know, for example, how universities accept your designation and your programs of study, how colleges accept it and, more important, how the employers accept the designation itself and the reason you move from calling yourselves personnel professionals, or whatever you were calling yourselves at that time, to human resources professionals.

Mr Shields: The last may be first. The personnel designation is considered now to be somewhat narrow. The buzzword is really "human resources" and it tends to be more all-encompassing. The organization consists of people from all walks of the personnel/human resources, if you wish, functions.

The courses are running currently in 22 community colleges and 16 universities. There are over 300 actual subject courses

listed throughout Ontario, all of which are reviewed by a standards committee that co-operates with the university. The brochure you have, the CPM, is the base requirement for the majority of people coming into the HRP designation, along with three years' experience, which gives them full membership. The CPM has been developed with the universities, and many of the university courses are their regular courses as part of undergraduate degree courses, so there are many subjects covered under CPM which they will accept as credit for the degrees. I am not sure if I answered all of your questions.

Ms Oddie Munro: Is the standards committee connected with the universities in question or is the standards committee connected with your organization?

Mr Shields: The standards committee is both, because it draws from academia and from the profession of human resources.

Ms Oddie Munro: But it is attached to your organization, so it is not a university or college board that is actually granting.

Mr Finlay: Many universities, for example the University of Toronto, will grant a diploma or a certificate, as well as the certificate in personnel management, on their own behalf.

Ms Oddie Munro: Is the issue of credits designated from a university to holders also accepted by the college then, and is it a standardized unit of degree credit right across all of the universities in Ontario or does it depend on the individual university?

Mr Finlay: The core course content is determined, and in every university and community college there is an advisory group. A member of our association from the professional standards committee sits on each one of those advisory councils. It advises on changes that should be brought in to the course content to keep it up to date. Jim, maybe you can expand on that a little more.

Mr Shields: It may be said that rather than the HRP AO setting up a course in the community colleges and universities, the standards committee advises the university and in fact looks at the university courses and says, "This is acceptable for the CPM." It is more a matter of approving the university course content to become a part of the CPM than the other way around, but as Mr Finlay says, our people are involved in the university councils.

Ms Oddie Munro: That is highly unusual. Universities usually establish very high standards of courses themselves. Do you accept university courses in lieu of the courses you give?

Mr Shields: Yes, we do. In fact, most of them in the universities are their own courses, which, as I said, become a part of the CPM. There is also a mechanism by which the credits from the university courses, even though they are not part of the certificate in personnel management, can apply, by virtue of presenting transcripts and course outlines to an accreditation committee, which will say, "Yes, this does equate." That is necessary for several reasons, the one being out-of-province people who wish to achieve the CPM. The other, of course, is people whose education was in other countries; a very essential part of these admissions.

Ms Oddie Munro: If the personnel association felt that the area was too focused and that in fact your decision to go to a human resource professional designation was because it would

include so many different careers that were opening up, where does your body of knowledge come from in terms of the kinds of courses that you are offering, the board or the teaching staff or all of that? I do not have enough information in front of me, but I would assume that would be a very important question to the employer who would then have to recognize your designation.

Mr Shields: There is a professional standards committee.

Ms Oddie Munro: Within your association?

Mr Shields: Yes. There is also an advisory board which is called together from time to time, from colleges and universities, which will make recommendations to the organization, and they are not necessarily members.

Mr Mackenzie: I am just a little bit curious about this survey result. Is this what you are saying indicates the support of the Canadian Public Personnel Management Association members for your setting the standards?

Mr Finlay: No, I did not say the CPPMA. All our members.

Mr Mackenzie: I mistook what you said then, because these are your own members.

Mr Finlay: These are members of this association.

Mr Mackenzie: It does not indicate any support from the other group that you set the standards?

Mr Finlay: No.

Mr Shields: There is one comment that I have not made and that is, the name of the association has been changed through the companies branch. It was necessary to do that because our year begins on 1 June and the timing of our bill was unknown to us.

The Chair: So you already have the name. The Human Resources Professionals Association of Ontario is the name.

Mr Shields: Yes, sir.

Ms Le Gault: May I just make one comment about the name? I am not sure of the reason, but I personally practise labour and employment law and I have noticed that I do not have a single client any more who calls it the personnel department within the organization. There has been a shift throughout Ontario to using the term "human resources" right in the workplace. It is for that reason that the people occupying these positions no longer view themselves as, for example, the personnel manager. There has been a shift throughout Ontario over the last six years.

1110

The Chair: There is going to have to be an amendment to the preamble in light of that information, but we will deal with that in a moment. Mr Tatham, I wonder if we could have the two objectors come forward, or do you have a specific question?

Mr Tatham: I would like to act as spokesman for these folks here if I may, Mr Chairman. In this letter that Mr Morry has written to us from the Pass Group, he said: "...yet I am informed that organization has not been consulted in the development of the standards established for the CHRP designation. There is concern that the initiative under discussion

would erect unnecessary boundaries between the public and private sector and would prefer joint and co-ordinated efforts."

Is it true that you have not talked to these people at all?

Ms Le Gault: There were discussions held in 1977 with the CPPMA about this type of idea. They withdrew from those talks and basically the next 13 years were spent by our organization working on this idea.

Mr Tatham: You have not talked to them since?

Mr Finlay: Not formally.

Mr Mackenzie: Inasmuch as you have the two organizations and while yours is the larger one, 6,000 members, the other one has, by your estimate, 1,200 or whatever the case is, trying to achieve the standards, which I do not disagree with, would it not have made sense to have been in contact with the others? Thirteen years ago seems to me a little strange. Most people would realize they are going to run into a bit of an objection in that kind of a situation.

The Chair: I must apologize to the people from Plympton. I thought this was going to be relatively swift bill and it does not appear to be shaping up that way.

Mr Shields: I am not sure if I can answer all these questions, but I would like to have a try at part of it. As I said earlier, the membership includes people from many walks of the human resources life. They are in many cases juniors and in many cases people like myself who have been in the business for a good number of years. We get a diversity of opinions, but one could see from that survey, which I do not have in front of me, that 71 per cent were in favour.

Mr Mackenzie: Basically your own organization.

Mr Shields: That is correct.

Mr Mackenzie: This does not give us any indication of what the percentage might be in the public group.

Ms Le Gault: There is a fundamental difference between the two organizations in that the CPPMA is Canada-wide. I am not sure how many of their 1,300 members are in Ontario, but they do operate on a Canada-wide basis and a lot of their members work for the federal government. The HRPPO is only Ontario-based and these designations are designed for Ontario only at this point in time. As you can see, it took us many years even to get to this point. It would be very difficult for our provincial organization to work something out that would be acceptable across Canada for a Canada-wide organization at this point in time.

Mr Mackenzie: I understand that, but it is obvious from the letters we have that they also feel the standards are set and they are bound by them and that they are ending up second-class citizens even though they are in a different field.

Mr Shields: I think this may have been said earlier. There are quite a number of people within HRPPO who belong to both. They work within the government and many of them hold the CHRP designation and in fact Mr Finlay and myself until recently were also public service employees. So we are quite familiar with CPPMA and HRPPO.

Our surveys within our membership—because really, that is our market—on the acceptance in industry and the vigour with which many long-term human resources people are joining and working towards the designation certainly indicate to us that there is an acceptance within the industry.

The Chair: With the permission of the committee, I think we will ask the objectors to come forward. As a result of certain things that have arisen here we need four amendments, so we are going to give the legislative counsel an opportunity to draw those up. With the consent of the committee, we would hear from the objectors, question them and then stand the matter down and deal with the matter from Plympton.

Mr Mackenzie: I would think, Mr Chairman, unless we could get unanimity, or if not unanimity some real support, to indicate clarification of some of the issues, and given that there are now several amendments to read as well, we would be best advised to set the bill down.

The Chair: Why do we not hear from the objectors first? We can make that decision on, if necessary, a vote.

Okay, if you people would be kind enough to have a seat in the back, we will hear from Nancy Magwood and Jane Gunther.

Ms Gunther: Good morning. I am Jane Gunther and I am president of the CPPMA. Nancy Magwood is the president of the Metro Toronto chapter of the association.

The Chair: I think you can tell from the questions that have been asked that we have a pretty good understanding of what your objections are. I think what I will do is I will open it up to questions from the members.

Mr Mackenzie: Why not have a summary of those objections first?

The Chair: All right. Fair enough.

Ms Gunther: Essentially, it is setting a standard by one organization and one association which would require anyone who wants that professional designation to belong to that association. As we have said, we would support a type of governing body that any human resources professional could belong to and it could be done on a province-wide, preferably Canada-wide, basis. Human resources professionals do move across the country.

The artificial barrier, we do believe, is very distinct between the public and private sector. Our members work in the private sector and join the public sector and vice versa. We operate under the very same legislation as the private sector. It is no different working in the public sector. We are concerned about all associations coming forth to establish some sort of professional designation.

We do not think it is in the interest of human resources professionals themselves to have to belong. If I am a compensation specialist, I may want to belong to the Canadian Compensation Association, to the Personnel Association of Ontario and to my own association, so there should be common standards set rather than having a multitude of requests through the Ontario Legislature for acts to be enacted to cover the various associations.

Ms Magwood: I support what Jane has said. Our members do support it. We discussed this recently at our annual general meeting. Between ourselves in Toronto and the Ottawa-Hull chapter, we have approximately 500 members in Ontario. Obviously, in the Ottawa-Hull chapter some of the members do work in Hull but because the federal government offices are split between the two, they often move back and forth, depending on the specific job at any particular point in time.

We are very concerned about forcing our members, who work in a large variety of human resource specializations, to

become members of different associations in order to achieve professional recognition in each of those associations.

It is true that some of our members at least—I do not know the exact number—do belong to the Personnel Association of Ontario. I would suggest that many of them joined over the last couple of years to include themselves in the window of opportunity that is described in the paper put forward by the Personnel Association of Ontario.

1120

Mr Mackenzie: What response do you have to—I see it raised in some of these letters—the question of compensation with the personnel association?

Ms Gunther: I understand that in 1977—I was not a member of the association myself at that time—there were some discussions with respect to the issue of certification and professional designation. I believe the CPPMA and the personnel association did not pursue a common objective there. The PAO did in fact develop it. But there has been no consultation as such with the CPPMA during that time.

We found out sort of inadvertently about this bill in March. I believe it was in the Globe and Mail in January, but we had not noticed it at that point. There are also some discussions going on across Canada. It was alluded to that there were meetings in March. I believe that was three provinces. But the CPPMA was not invited to those either.

Mr Mackenzie: You are saying that as far as you know there has been no communication or direct letters or invitations for you to have your say in the standards they are setting.

Ms Gunther: Not to the CPPMA, no. Even if it is the standards, in order to get the designation, our members would have to belong to the HRPAA to receive this designation, because it is the governing body.

Mr Mackenzie: And there is some movement from province to province where you would have to fit into both categories. That could, in effect, affect your members if they were not designated by the personnel association?

Ms Magwood: There is also some movement of our members from jobs in the public sector to jobs in the private sector and vice versa. Although this designation may never become a requirement for public sector jobs, our members who wish to move into the private sector, if the designation is accepted by private sector employers as a prerequisite for their jobs, would have to become members of the human resources association of Ontario.

Mr Mackenzie: That would eliminate your members from bidding on those jobs?

Ms Magwood: Correct.

Mr Mackenzie: Do you agree with the proposition that it probably makes sense to have the standards and the accreditation set, but it would also make sense to have a little more involvement of your group? You are not against, I take it, even from your letters, the accreditation or the setting of standards.

Ms Gunther: No, we support them and we have attached our position on that.

Mr Mackenzie: I notice some of your arguments are similar.

Ms Oddie Munro: Do you have a designation with your association? Do you designate your members?

Ms Gunther: No, we do not right now.

Ms Oddie Munro: Do you have an educational program?

Ms Gunther: Yes, we do.

Ms Oddie Munro: How would you compare yourself to the Personnel Association of Ontario or now the human resources association?

Ms Gunther: We are not at the stage, obviously, that the personnel association is. They have been working on it for 13 years. We have just started actively working on it ourselves. Each of the chapters across the country is working with the universities and now into the community colleges in terms of establishing human resource programs there. Some have already got programs, and we do in fact issue a certificate through either the university or the association. But we have not formalized our standards across the country.

On the fourth page of my memo was our position on certification. It is our view to do that and to establish standards across the country. But at this point we do not have a professional designation because we are in every province and territory. If we were going for a legislated designation, that would require legislation in every province.

Ms Oddie Munro: Is the list of courses from the Personnel Association of Ontario at the various colleges and universities a core set of courses that other associations could take?

Ms Gunther: Yes, they would be available.

Ms Oddie Munro: So in a sense you accept their courses and vice versa. I am just wondering what the main bone of contention was. Were you living peacefully with the Personnel Association of Ontario?

Ms Gunther: Yes.

Ms Oddie Munro: You were?

Ms Gunther: Yes.

Ms Oddie Munro: Is this too big a step for you to accept now unless you were part of the negotiations?

Ms Gunther: In that they are the governing body for the CHRP and you must belong to their association to be designated as a CHRP.

Ms Magwood: Our members are not totally in agreement with the concept of designation. Our members, I believe, are totally in agreement—although we have not done a survey, this is all verbal; it comes through our monthly meetings or our annual general meetings—with a certification program or an education program. We have not gone out and formally surveyed our membership to find out whether they agree with designation, but not all of them do.

The Chair: Could I interrupt for just a second? Where are you two from? Are you from the Toronto area?

Ms Magwood: Yes.

Ms Gunther: Yes.

The Chair: I have some concerns. We have a number of questioners and we obviously have perhaps even a reply. The people from Plympton are from the Sarnia area. I took this one out of order, on your agreement, because we felt it would be short. It is certainly not turning out to be short. I think, as Chairman, I would prefer, since these people are from the Toronto area, if they could maybe return on our next meeting

day, which is next Wednesday. The people on the Plympton matter are from Sarnia and I would hate to bring them back from Sarnia. I am in the hands of the committee as to what we do.

Mr Mackenzie: I do not know what the feelings of the other members are. I am not fundamentally opposed to the request for the designation and certification, but on the other hand, I think another one of the problems facing us that seems to be happening so often is in terms of any consultation and negotiations or communication that went on between the groups.

I personally would like to ask some information. I have a couple of separate letters that I have not turned over from members of ours, one opposed and one in support of the situation. But without going into detail, I would very much like to do a little further checking myself on it. My advice would be to stand it down until the next meeting and allow all of us to take a look at it.

The Chair: We would want to share that information as well with the rest of the members of the committee. I am sure the group will understand that we took you on first because we thought this was a short matter. Actually, the schedule had been set up for the people on the Plympton bill to be heard first.

Would there be any members who would not be in unanimous consent, if that is the way we would proceed with the matter?

Mrs Cunningham: What are you suggesting?

The Chair: I was suggesting that, in view of the fact that all of these people, I believe, are from Toronto, we stand the matter down and either stand it down until after the Plympton matter and we can resume if we have time—

Mrs Cunningham: Let's try for that, and then make the decision if we have to.

The Chair: All right. Is that acceptable to the committee members? We normally sit until noon, but I am sure that I can persuade the members to sit beyond that. The House convenes at 1:30, so we cannot sit beyond that time, and these people, believe it or not, do eat. I think that is what we will do. It will also give counsel an opportunity to review the amendments that were proposed, and we will deal with the Plympton matter.

Mr MacDonald: I would suggest that we sit until noon and we form again at 1:30.

The Chair: We cannot sit concurrent with the Legislature. The best we could do, and I am not even sure we have authority to do that, would be to come back after routine proceedings, but we do not have authority to sit at that time.

I am advised by the clerk that the only way we can come back after routine proceedings would be if we had had authority by reason of a motion passed in the House. We are really limited, I would say, to a maximum 12:30, for the benefit of all concerned.

Now we will deal with that matter that was stood down. Mr Smith, perhaps for the benefit of Hansard, you would identify the people with you.

1130

TOWNSHIP OF PLYMPTON ACT, 1990

Consideration of Bill Pr65, An Act respecting the Township of Plympton.

Mr D. W. Smith: With me at the table today is the solicitor for the township of Plympton, Robert Gray, and on his right is Margaret Geldart. She is from the Ministry of the Environment. We are here to deal with Bill Pr65. I just want to give you a little bit of history. I suppose I could say I am pleased to sponsor it, but whether I am pleased or not I think I have to sponsor this bill and try to get it through.

Plympton is the central municipality in the east Lambton area water supply system. They have approximately 35 miles of pipeline that goes through their municipality. There are seven municipalities involved in this scheme and all seven signed the same bylaw that was given to them by the Ministry of the Environment back in about 1985, I believe it was.

The bylaw was challenged in Plympton township by Allan and Irma Gray, who are here today, and it was defeated, so really Plympton has no way of getting the people to pay for this pipeline. In protocol you say you are pleased to sponsor these things, but I believe I have to sponsor this whether I want to or not. The township is in a somewhat awkward position in that it cannot legally bill people who want to hook on to the line.

Just another comment: I got this information about two months ago and there are now about 90 new users on this pipeline. I think I will stop right there and let Mr Gray or Miss Geldart to make some comments. That is about all I will say at this time.

The Chair: I think most members have a pretty good idea of what has happened here. Is there a pipeline in the ground?

Mr D. W. Smith: Yes.

The Chair: Do people have an absolute right to hook on to it?

Mr R. Gray: Not at this point in time.

The Chair: But if they do hook on, you want to be able to charge for that.

Mr R. Gray: That is correct, and we do not want them to hook on, of course, until we have a means of enforcing payment towards the construction cost.

The Chair: I do not want to cut you off, but I think speeding it up will perhaps help us hear everybody. Is Allan Gray here in the audience? He is. Are there any other people who are in opposition to this?

Mr D. W. Smith: Allan Gray's wife, Irma, is with him as well.

The Chair: Is there anybody else who is here with regard to this matter? There are two people here from the Ministry of the Environment: Mr FitzPatrick and Margaret Geldart. I am sorry; you raised your hand.

Mr Ramdeo: Yes, I am from the Ministry of the Environment as well.

The Chair: All right. Are there any questions of the delegation?

Mr Pollock: I do not fully understand this. How come somebody else could hook on to your line without paying for it? That is the basic question.

Mr R. Gray: Basically the situation in Plympton is this: Plympton, at the time the east Lambton system was prepared, had two areas that were to be serviced and had two bylaws that were passed. They were identical, save and except for rate charges that were imposed due to the various circumstances that one area of the township had contrasted with the other.

One of the bylaws, being bylaw 22 of 1986, was challenged by Allan Gray. Initially the bylaws were dealt with at a joint hearing of the Environmental Assessment Board and the Ontario Municipal Board, which granted authorization for approval of the construction and the requisite bylaws that were to be put in place by the municipalities for the purpose of collecting the portion of their costs associated with the project.

As a result of Mr Gray's application to challenge the bylaw initially at the hearing, it was passed. He then brought an application in the Supreme Court on the basis that the legislative authority in the Municipal Act to allow for a basic unit charge, in effect, was not there. As a result of that case and as a result of, I believe, some concern that had been in existence at the time, the Legislature passed Bill 90 on 19 December 1989 to correct the legislative difficulties in terms of authority pursuant to the Municipal Act.

The problem we have with our particular situation is that this legislative authority is not retroactive.

The Chair: Some of them are already hooked up.

Mr R. Gray: The pipe is in the ground. The authority under the Municipal Act only speaks for construction or pipe that is anticipated to be put in the ground as part of a system. Our difficulty is that we proceeded of course on the basis of the authority we were given by the municipal board, we passed a bylaw, construction started and the system is in place.

The Chair: Is Mr Gray asking to be unhooked?

Mr R. Gray: I am not sure he is connected.

The Chair: I see. They will have to come forward because we have to preserve this for posterity by everybody talking into the microphones. Are there any other questions of the delegation?

Mr Tatham: You have the pipe and you have people hooked up. Is anybody paying the bill?

Miss Geldart: Yes.

Mr R. Gray: Some have voluntarily.

Mr Tatham: Based upon what rationale?

Mr R. Gray: Based, first of all, on need. Mr Smith is aware, having been the former reeve in that area, of a dire need that Plympton had as well as some of the—

Mr Tatham: What I want to get at is that they are paying so many dollars for so much water. Says who? Who tells them what they should pay?

Mr R. Gray: The municipality at the time, in conjunction with the Ministry of the Environment, determined the rate to be charged based on anticipated costs at that point in time, the number of users the municipality anticipated, and there was a formula worked out.

Mr D. W. Smith: It was approximately \$1,800 per lot or per unit, whether it was a farm or whether it was a house. Since the line has gone into the ground, there has been some increase in the cost of the pipeline. I think the price has gone from somewhere around \$23 million up to about \$32 million, so there will be additional cost over the \$1,800 that was anticipated to cover the cost as people hooked on to it. Anybody who was on the pipeline would have to pay the \$1,800, but that was worked out during the process.

Mr Tatham: Cheaper than drilling a well.

Mr R. Gray: In some areas I think it was not possible to even get water that way.

The Chair: Can we hear from the Ministry of the Environment before we go on.

Mr FitzPatrick: I am Leo FitzPatrick. I am a lawyer with the ministry and I really do not have very much to say except that we are in support of this private bill, first, obviously because we would like to be assured of our capital costs being repaid, and second, because what is being proposed would seem to be an equitable way and the simplest way of resolving the problem. Unless there are any questions, I do not think I need to add anything more than that.

The Chair: I don't think you have generated any from that. If you people would like to step down, we will hear from Allan Gray in this matter, and Mrs Gray if you like.

Mrs I. Gray: I can sit beside him if you want.

The Chair: All right. I must apologize for having moved the numbers around. I thought we would be able to deal with that other matter quickly.

Mr A. Gray: I am aware of these kinds of situations. I have also served on council for eight years, so I am not new to this.

The Chair: We are not political at all.

Mr A. Gray: I realize that.

The Chair: Okay. Go ahead.

Mr A. Gray: I appealed to the Supreme Court of Ontario and Mr Justice Barr awarded in my favour. The Ministry of the Environment appealed me. It went to a panel of judges and they also awarded as Justice Barr had and at no cost to me. The ministry has paid for this as well.

The situation with me is that my lawyer is Mr Gee, and I knew nothing about this until yesterday. I had inquired with him as a result of a letter of 23 March 1990 and had seen him after I had received the letter and had requested him to send a letter to the committee. Apparently no letter was sent.

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The Chair: We have a copy of a letter of 23 March from him.

Mr A. Gray: That is the one I got, but there had to be a reply to the standing committee as of 30 April.

The Chair: There was a reply to him dated 28 March advising him that if he wished to appear before the committee or file a written plea, he had to advise the office by 30 April 1990. We have not had a response. I understand what you are saying, that you appealed the bylaw and the Court of Appeal finally confirmed Mr Justice Barr's decision.

Mr A. Gray: Right.

The Chair: It is my understanding that subsequent to that an act of the Legislature of Ontario was passed authorizing this metered charge, I gather, and the problem that exists is, can that retroactively affect people hooked on previously? As I understand it, you are not hooked on.

Mr A. Gray: No, sir

The Chair: So the legislation now in place would affect you.

Mrs I. Gray: We would still be charged for access.

Mr A. Gray: We have no idea what goes on now.

The Chair: I am just trying to be helpful. Since you have not hooked on yet, the legislation that has now been passed gives the municipality the right in law to charge you for hooking on. Had you been hooked on, it might be a little tougher question to respond to, because you would have acquired a right which the legislation does not retroactively take back from you. Since you have not hooked on, really what you have got is that you have won in the courts against Plympton, but in the interim legislation has been brought forward that has authorized what they are doing. I do not know whether that helps you or not.

Mr A. Gray: My lawyer suggests that it does not, but at any rate I can only plead mercy to the committee, that my lawyer be present with me because I am just not skilled enough to handle this kind of stuff.

Mr Miller: I am not clear what the problem is. Does the water line go by your door and you are asked to pay your portion?

Mr A. Gray: Yes.

Mr Miller: Are you opposing that?

Mr A. Gray: I have three services, putting assessments on our property. I sit on the lake, which is unfortunate in Plympton because—

Mr Miller: You are asked to pay how much?

Mr A. Gray: When it originally came out it was \$6,000 per service, which would have assessed me \$18,000.

Mr Miller: For three services?

Mr A. Gray: Right.

Mr Miller: To three different properties?

Mr A. Gray: Yes. They do not touch our buildings at all.

Mr Miller: What kind of properties are they?

Mr A. Gray: Farm land. I am a farmer.

Mr Miller: How many acres?

Mr A. Gray: Two hundred and thirty-five.

Mr Miller: For each one?

Mr A. Gray: No, that is the total amount of land, but only 135 was affected by the service. Our other farm is about a mile and a half away so it is not affected by it.

Mr Miller: How much are you being asked to pay now?

Mr A. Gray: We really do not know because they have increased the cost 37%. As I understand the act, if they go 25%

over the original cost, this has to go back to the Ontario Municipal Board.

Mr Miller: Are you opposing the water line itself?

Mr A. Miller: Yes.

Mr Miller: Is it because you get water from the lake?

Mr A. Gray: No, sir. I get it out of the ground, but the problem with me is that I am an agricultural person and as quickly as a water line goes by, it encourages urbanization—development.

Mr Miller: I am a farmer too so I understand you, but also we just got hooked on a water line and I am kind of pleased with it because we get the best water we have had in all my life. I just want to be clear what the problem is.

The Chair: I think what we should let Mr Gray know is that whether we pass this or not, it will have no effect on you whatsoever—I do not think so; I am not sure. I will leave that for the comments to be made afterwards.

Mr A. Gray: That is why I wish that Mr Gee was here with me, but unfortunately he was tied up with litigation today and he was unable to come. He had intended to come but he could not make it.

The Chair: We are going to get some good legal advice here from legislative counsel.

Ms Mifsud: My understanding of this bill is that the amendments to the government bill did not allow the bylaw to affect watermains that are already constructed. The difference is whether they are constructed or not, not whether they are hooked up. If they are hooked up, that is irrelevant, I believe. That is my understanding and Municipal Affairs seems to be nodding yes.

The Chair: That just goes to show you, when you pay nothing for the advice it is worth about as much as you pay for it. That certainly does change it. We will erase all that record so I am not embarrassed in years to come.

Mr A. Gray: That is what I am not sure of, because this is a legal problem, it has got very technical and I am not qualified to have all the answers for this committee. I tried to encourage another lawyer to come and I only had yesterday to do it. I just prayed a little that he would be able to come in place of Mr Gee, but he was also tied up.

Mr FitzPatrick: If it might be of some assistance to the committee, the challenge that Mr Gray made succeeded in striking down a manner of computing the water rate. It did not strike down the ability of the municipality to impose a water rate. If it had considered the matter differently in 1987, it could have quite properly imposed a water rate on the basis of frontage area mill rate. It chose instead to do a uniform charge per lot and the court simply said that a uniform charge per lot is not authorized. There was no effect on the ability of the municipality to impose this tax.

Mr Miller: So he could pay \$18,000 then for his frontage? Is that what you are saying?

Mr FitzPatrick: If you enable this bill, the municipality will reimpose a charge.

Mr Miller: How much is the charge?

Mr FitzPatrick: I am not quite sure.

Mr A. Gray: It is \$1,800 plus plus plus now.

Interjections.

The Chair: Hold the phone. We have to have one voice at a time so they can get it on the record, and people from the audience cannot speak because we will not pick up your voice.

Mr A. Gray: I have a clipping here from the London Free Press and it is stated by Mr Kerrigan, who is our reeve, "Mr Kerrigan said, 'Environment ministry officials said over a year ago they planned to have the act changed so Plympton's bylaw would conform and residents could hook up.'" It is just typical government. They have not done anything about it. It is their mistake. They drew up the bylaw. The ministry drew up the bylaw, not Plympton township. This has been used for a number of years and I have been informed that there are over 200 systems in Ontario that do not qualify.

The Chair: Let's try to stick with this one. We may have a fire sale here.

Mr Pollock: I want to be totally clear about this. Do you have to pay this money whether you are hooked up or not?

Mr A. Gray: Yes, sir.

Mr Pollock: Okay. Now I can see what the problem is.

Mr A. Gray: The problem with me is that the township put a seven mill rate levy on the whole township. Whether you get the water or not, you have to pay seven mills. Now, the people in the subdivisions—some of them are very small homes with very little assessment—are paying seven mills to buy a right into this main that is going by my place.

If all I had to pay was seven mills for three years or whatever to get the water off that main line, that is pretty cheap and it does pay them to have the water. It does not pay me because I have water. But I am not arguing the question of whether I have water or whether I do not. Right now we have sewers on the go. As of 25 June they are having a public thing on sewers in Plympton township, and these are negating costs that go against agriculture. We are in a form of bankruptcy in Plympton township. Plympton does not have very much money. It is interesting to know where all this money is going to come from. As a farmer, I am very concerned because we are in trouble, we farmers, whether you people realize this or not. We are in terrible trouble.

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Mr Pollock: I am a farmer too.

Mr A. Gray: Yes, well you know what the problems are and it is a sad world for farmers.

Mr Ruprecht: You can tell the farmers by the tans they have.

Mr A. Gray: It is nice to know I have a supporter anyway, but I think it is a concern.

The Chair: It is refreshing to find a real farmer.

Mr A. Gray: We have had a water line installed from Brights Grove to Camlachie, about four and a half miles. I serviced that for eight years when I was on council. There are many difficulties with water. Water just does not run uphill, as everybody should know. It costs a great deal to put it uphill, if you do put it uphill.

The things I read in the newspaper are that number one, they cannot have any water this summer, to any amount, be-

cause they do not have the facilities. When I went before the Ontario Municipal Board I had my lawyer there for all the OMB hearings and everything so that I would have full knowledge of what was going on. The Ministry of the Environment encouraged us to say that we had lots of water. Now they are saying they have to put a \$32-million addition on to the Point Edward station to supply the necessary water. The city of Sarnia is in trouble. Clearwater is in trouble. We are all in trouble because they do not have sufficient water out of their station.

I do not know where they got their original facts, because Mr Silliman told Mr Smith way back when that he was 115% over one summer and Dave is out of the council meeting. I do not know where he got that figure. I said: "If you have 115% over your line, you do not have any volume, so you cannot produce water. The most you can go is 70% on a main to have proper volume."

This is a very sincere problem. Maybe I should not say this either, but now they are using Lambton to set up a new thing with the government. It is going to cost us \$154 million. As a farmer, these figures just keep on being thrown in my face all the time. I keep wondering, where in the world do we come up with all this money? It is not only water; it is sewers and then it is something else and something else and something else. We were not told that there was a need of any addition to the Point Edward water station. There was no need. Now we are hit with a \$33-million expansion.

Mr Pollock: Are you going to be hit with the extra cost for this sewer that they are thinking of putting in too?

Mr A. Gray: I was notified anyway. I stopped this in 1975 because they had a \$15-million project there, but we caught the engineer in a little bit of a problem there, so we got that stalled.

Mr Pollock: You are going to have to pay for it, but it would be of no assistance for you at all. I am sure it would not.

Mr A. Gray: But I have concerns and I would just beg mercy for the committee to give me proper time for my solicitor to study this new bylaw. Then we can come back and discuss this further with you. It is all up to you people and I just beg your mercy at this point. That is about all I have to say.

The Chair: What is the desire of the committee?

Mr Miller: I do not know. I think it is something that the municipality has to deal with and it has to have the right to—

The Chair: No, that is not what we are dealing with at the moment. The question Mr Gray has asked is whether or not he can have an opportunity to have his lawyer look at this bill and advise him. I am in your hands.

Mr Pollock: I so move.

The Chair: I am not sure if we table it or move it to another day.

Mr Mackenzie: If we are going to do it, it should be rescheduled for the same reason that I would have made on the previous matter.

The Chair: I think it should be moved at a definite date so that everybody knows what the rules are. We come back and we finalize it.

Mr Pollock: I am game for that. When is the next time we can have them in?

The Chair: We will be sitting next Wednesday and I gather the Wednesday after that too. That is iffy, so next Wednesday could be the last one before the session adjourns. We do not need a motion if we have unanimous consent that it go over to the next date. I hope the applicants understand why we are doing this. We are running close to the wire right now anyway. Do we have unanimous consent then that it go over to next Wednesday?

Mrs Cunningham: What are you suggesting, Mr Chairman?

The Chair: That Mr Gray be given until next Wednesday to have an opportunity to let his lawyer see the bill that is proposed and comment on it and perhaps assist him if he wishes.

Mr Miller: Would it be advisable to have the township people come back and respond to some of the questions that were asked by Mr Gray?

The Chair: We could have them respond right now.

Mr Miller: For a few minutes, five minutes, to give us a little bit of help.

The Chair: Perhaps the people from the township would like to come forward and respond and that may save you coming back on the next occasion. You are certainly welcome to come back, to fight your way into Toronto.

Mr R. Gray: It would be my pleasure to come back. As you can appreciate, this particular legislation is absolutely crucial to the township and I think it is incumbent upon us to come back, if that is what the committee is considering doing, in order to ensure that the committee fully understands Plympton's position. It is the case that everyone in the municipality who fronts on to this line is affected in terms of the charge that this legislation would authorize and there is only one person opposing, to my knowledge.

The Chair: But Mr Gray has been very successful up to this point and I think he should have the benefit of that legal advice.

Mr R. Gray: I understand that and I can appreciate the committee's concern that he have a fair and full hearing. I recognize that.

The Chair: Maybe you would like to talk to him between now and the next meeting too. It might be helpful.

Mr R. Gray: I do not think there is middle ground here in terms of attempting to resolve it because, as I say, we affect approximately 215 or so people and Mr Gray is the only one who is opposing this.

Mr Miller: Are these farmers?

Mr R. Gray: There is a combination of farmers—there are some subdivisions along the lake, as Mr Gray has indicated.

Mr Miller: How much are you charging them?

Mr R. Gray: There may be some misconception. The way the initial bylaw was drafted in the area, as set out in the amending legislation—you will see for purposes of the record a schedule attached and those are the lands that are affected by this particular legislation. They were to be charged, if they preferred to pay on a yearly basis, for a period of three years \$767 and change. If they wished to commute that and pay it in a lump sum one-time payment, it was \$1,800.

Mr Miller: With no additional charges.

Mr R. Gray: At this point in time, because of the system's change in cost, yes, there is going to be an increase in that, obviously.

Mr Miller: You do not know how much that is.

Mr R. Gray: I do not and I am not sure the Ministry of the Environment has an exact figure. Mr Ramdeo, who is present, may have more particulars on that.

Mr Miller: But he is not paying \$1,800 on those three pieces of property; it is one \$1,800.

Mr R. Gray: No. Perhaps I can clarify that. It is based on every parcel of land that an individual owns. Mr Gray, because of the configuration of his lands and the intersection of, I believe, two roadways—

Mr Miller: Divided by roadways.

Mr R. Gray: —is being charged on each parcel and I believe he has three parcels. The rationale is obvious from the township's point of view: Each parcel that would benefit from being able to hook up to this line ought to bear a portion of the cost like everyone else in the municipality.

Mr Miller: Are there buildings or is this bare land?

1200

Mr R. Gray: He would be the one to answer. I understand that one of the parcels has his home on it, but I am not sure of the balance.

The Chair: Miss Geldart is from the financial branch of the Ministry of the Environment. I gather you have some information.

Miss Geldart: You asked about the township's share. Originally in 1985 the township of Plympton had a net share of \$866,000. What they owe the ministry right now is \$1 million. This is where their share of the capital cost has gone to. Under their present bylaws, the ceiling, when I looked at the bylaws and what the bylaws are set to collect, he has a mill bylaw where he is going to collect \$180,000 based on the seven mills over three years. The bylaw that is under dispute is 22/86. That is set to collect \$516,000. Then there is a bylaw covering an existing water system called the Camlachie system. That is set to collect \$243,000. Then he adds on a connection charge of \$300 per connection. All those bylaws together right now total \$940,000. So the township today is about \$60,000 short. That is what they are short right now.

The last two contracts on this project are going out for tender and they had come in under the estimated price. This whole project is due to wind down now in August. We are not expecting any cost overruns at this stage because we are getting too close to completion. This is where it stands right now for Plympton. Under all their bylaws they are collecting \$940,000. The total bill is going to be \$1 million, so they are \$60,000 short right now.

The Chair: We are now at noon and without unanimous consent we cannot continue beyond that, I am told by the clerk. Do we have unanimous consent to continue?

Mr Mackenzie: It depends on how long.

The Chair: Maybe somebody would suggest how long we can take.

Mr Mackenzie: I would suggest it be 15 minutes. I am due at a meeting that is out of this building at 12:30.

The Chair: Okay, 15 minutes. Unanimous consent to continue until 1215 then. Agreed? All right.

Mr Tatham: I have one quick question. Has the council done anything to try to give any relief to any of the people who do not benefit from this particular pipeline, or delay the charge, put it down the road some time so that if and when the thing is developed it is a charge against the property? Has that been thought about at all?

Mr R. Gray: Are you asking me in terms of those individuals—

Mr Tatham: In other words, you have got 100 acres of land and it is bare land and the fellow who wants to farm it. If the pipeline runs by it, sure that is fine and dandy. But why do you not give him—just as a suggestion—relief until such time as when it comes due, when you charge him, plus interest?

Mr R. Gray: To my knowledge that has not been considered.

Mr Tatham: It is just a thought.

Mr R. Gray: The difficulty—and perhaps the ministry can comment on it—I would see with that suggestion is that the calculation as to the rates that everyone was intended to pay was based on the payment within three years or the lump sum. That would affect how the township would have to charge other people who were not—

Mr Tatham: I know. In other words, you want to find a way out of it.

The Chair: If we pass this bill, how will purchasers, if they close their deal before the bill, have had any information about this charge? How will it affect them? You have to register it on title.

Mr R. Gray: As a matter of fact, I am dealing with one of those situations right now. The clerk, to my knowledge, notifies individuals who have written for tax certificates as part of the closing in order to determine—

The Chair: Does it go on the tax certificate just like a local improvement charge?

Mr R. Gray: I am not sure. Certainly my office was notified that there was this particular outstanding account.

The Chair: Lawyers in your area may want to take out a little extra insurance, because I can see this causing difficulties.

Mr Mackenzie: It is pretty obvious to me that we are going to have to make the decision on this matter. It is just simply the appeal that was made by Mr Gray. I think he is entitled to have his lawyer here before we make the final decision. Given his success in court up to now, I would like to hear what he has got to say in any event. There is no doubt in my mind we will have to make the decision. I can see no reason not to set it down for a week or whatever is necessary.

The Chair: I think we had done that on a unanimous consent basis and then got into a discussion, which often happens in here.

Mr MacDonald: What is the price per hookup?

Mr R. Gray: There are two charges essentially. There is the charge for the water line going across your property.

Mr MacDonald: And what was that?

Mr R. Gray: It is \$767 and a few cents, for three years. You pay that per year for three years, or \$1,800 commuted. There is in addition, once you hook up, a charge—and I believe Miss Geldart has referred to it as \$300—for actually connecting to the line itself. That is an additional charge. In effect, if you did not wish to connect, then you would not pay it until you did.

Mr MacDonald: Is there a charge up front for the amount of water that you use later on each year?

Miss Geldart: Yes, a bylaw that collects \$225 per year.

Mr MacDonald: Flat rate?

Miss Geldart: Flat rate.

Mr Miller: Whether you hook up or not? Or just to be hooked up?

Mr R. Gray: Miss Geldart can correct me if I am wrong. It is not if you do not hook up.

Miss Geldart: That is right.

Mr MacDonald: As far as I am personally concerned—and I will certainly vote on this—if I was a property owner like people along this line I would be in support of this line, as far as water is concerned. I am one of these farmers who would like to see property moved and subdivisions happen and lots be severed. Farming is in a state of shock. I am one who would certainly support a water line such as this.

The Chair: I think that was in response to the Chairman, thank you. Mr Gray, you understand that we are putting this over until next Wednesday to give you an opportunity to consult with your counsel and bring him here if you wish to. But I think you may have gotten a slight lay of the land here. We do not want to put you to any unnecessary expense, but we are putting it over for that purpose, to let you be heard.

Mr A. Gray: I am very grateful to you people to consider this and I will have my solicitor here next Wednesday if that is agreeable to you people.

The Chair: We will stand that matter over to 20 June.

HUMAN RESOURCES PROFESSIONALS ASSOCIATION OF ONTARIO ACT, 1990 (continued)

Consideration of Bill Pr70, An Act respecting the Human Resources Professionals Association of Ontario.

The Chair: Perhaps we can have the Bill Pr70 people back. We have agreed to sit until 12:15, so let's see what we can accomplish.

Mr Mackenzie: I would like to move that we stand it over until next week. They might come back next week if they wish.

The Chair: We will not need it moved if we can get unanimous consent to that effect.

Mr Mackenzie: It is not a fundamental objection to the bill, but I would like to discuss it with the other people.

Interjections.

The Chair: Can we have order, please.

Mr Mackenzie is asking for unanimous consent that this matter, Pr70, be put over until Wednesday as well. If I hear any objection, it will have to be done by way of motion.

Mrs Cunningham: I am not objecting because I think I understand why that is happening. There are a lot of other questions that could probably be better asked outside and not taking up the time of the committee.

I would like to leave the committee members with this thought: I must admit that I am part of the reason that this group has taken a long time to come here because I wanted to be with them and I was not able to be here before now, so I am really hoping that if we stand it down they can be here next week.

The second thing I would like to say is that we did not really expect an objection for a number of reasons. Mr Mackenzie will be asking questions, and I hope others will, and I would be most happy to help any of the members of the committee with responses to make it easier for them.

The objection today was from a group, the Canadian Public Personnel Management Association, which has the Canadian mandate for setting standards. The association that is before us today has the Ontario mandate, so there is very big difference in the mandates.

The other thing I would like to say is that with the exception of the discipline part of this bill, all of this is happening, has been growing and has been taking place in Ontario for 20 years. None of it is new. It is just a matter of putting it into legislation so that there will be a protection for the public. That has been the advice they have had, and certainly the advice from the government at the same time is it supported this.

But I do understand there are some questions that could be better asked perhaps away from this committee. It would take less time and I would be most happy to help in any way to make it more convenient for the committee members in their responses. If it is next week, then I am sure the group would agree that it could be here.

The Chair: I take it that we have unanimous consent. I think everyone has heard why we are coming back.

Mr Tatham: Would there be any opportunity for some of these groups to talk to one another in the intervening week?

Mrs Cunningham: That is a hope. I talked to both groups and they have agreed to talk to each other. That does not mean to say they will not agree to disagree, because their mandates are so different, but I do think it would certainly make the committee members feel better if they chatted together themselves.

The Chair: It would make the committee feel like we have accomplished something this week by bringing people together.

Mrs Cunningham: Yes. It is nice to have people going away with respect for each other's positions as opposed to being annoyed. We do not want anyone leaving this committee annoyed if we can help it.

The Chair: Okay. On unanimous consent, this matter will stand adjourned until 20 June at 10 o'clock.

The committee adjourned at 1212.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Chair: Callahan, Robert V. (Brampton South L)
Vice-Chair: Oddie Munro, Lily (Hamilton Centre L)

Bossy, Maurice L. (Chatham-Kent L)
 Jackson, Cameron (Burlington South PC)
 Kanter, Ron (St. Andrew-St. Patrick L)
 MacDonald, Keith (Prince Edward-Lennox L)
 Mackenzie, Bob (Hamilton East NDP)
 Martel, Shelley (Sudbury East NDP)
 Pollock, Jim (Hastings-Peterborough PC)
 Ruprecht, Tony (Parkdale L)
 Tatham, Charlie (Oxford L)

Substitutions:

Miller, Gordon I. (Norfolk L) for Mr Kanter
 Cunningham, Dianne E. (London North PC) for Mr Jackson

Also taking part:

Chiarelli, Robert (Ottawa West L)

Clerk: Manikel, Tannis

Staff:

Mifsud, Lucinda, Legislative Counsel



T-8 1990

T-8 1990

Legislative Assembly of Ontario

Second Session, 34th Parliament

Official Report of Debates (Hansard)

Wednesday 20 June 1990

Standing committee on
regulations and private bills

Chair: Robert V. Callahan
Clerk: Lisa Freedman

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Deuxième session, 34^e législature

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Comité permanent des
règlements et des projets de loi
d'intérêt privé

Président : Robert V. Callahan
Greffier : Lisa Freedman

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 20 June 1990

The committee met at 1010 in committee room 1.

The Acting Chair (Mr Fleet): Perhaps we can now get under way. I am a substitute member on this committee and both the Chairman and the Vice-Chairman are away. I am advised it would be appropriate for me to seek the consent of the members to chair. Anybody who would choose to chair could just volunteer and he can do it.

Mr Reycraft: I move that Mr Fleet be appointed Chairman of the committee.

Mr Ballinger: The only time he has ever had an acclamation.

The Acting Chair: I take it that is agreed. Everybody seems to be at least smiling.

What I would like to do first then is just touch on the order in which I would propose that we deal with matters. There are some matters which are essentially unopposed, or where matters had been in disagreement, parties have come to an agreement. I would propose that we deal with the bills in this order: first, Bill Pr68; second, Bill Pr78; third, Bill Pr88. Those are all matters that have been agreed to. I would then propose that we go in the order on the agenda, Bill Pr65 and Bill Pr70.

TOWNSHIP OF FRONT OF LEEDS AND LANSDOWNE ACT, 1990

Consideration of Bill Pr68, An Act respecting the Township of Front of Leeds and Lansdowne.

The Acting Chair: We have in front of us now Mr Runciman with Bill Pr68.

Mr Runciman: John Reycroft is the clerk-administrator of the township of Front of Leeds and Lansdowne.

The Acting Chair: This is going to be difficult, Reycraft and Reycroft. Mr Reycroft, perhaps you could then proceed and briefly explain your proposal. There may be questions from members; there may not be. Then we will deal with the bill in committee.

Mr Reycroft: The corporation of the township of the Front of Leeds and Lansdowne, which is a rural municipality encompassing the area west of Gananoque, eastwards to the Thousand Islands international bridge, has passed a resolution requesting the consideration of the Legislative Assembly to pass a private bill, that being An Act respecting the Township of Front of Leeds and Lansdowne, to reduce the industrial assessment factor that applies under section 63 pursuant to the Assessment Act in the township from its current 11.06% to 7.54%.

This application came about as a result of an industrial study and analysis and negotiation between the township and various developers requesting to locate within the municipality. During that process, it came to light that the industrial assessment factor in our township, the 11.06%, appeared to our council to be out of proportion to our neighbouring municipalities and out of proportion to the relationship between residential, commercial and farm assessments within the municipality.

The situation came to light in this occurrence only because we have no other industry in the township. We have one property currently assessed for industrial purposes, that being the thermal generating plant that serves the town of Gananoque and portions of the township. As a result of the assessment factor established in our municipality, new developers coming into the municipality in this particular case face approximately \$500,000 a year in taxes additional to other municipalities.

It would be the position and submission of the council to the committee that the current set assessment factor does not really represent the true economic base in the municipality and we request your consideration for the request for reduction.

The Acting Chair: Any comments from the ministry?

Mr Ballinger: Thank you for asking. No objections.

Mr Reycraft: I wonder if perhaps Mr Ballinger could tell us if there is a precedent for this kind of bill.

Mr Ballinger: There is one that has previously been done here, the township of Iroquois Falls, which was, I think, some time last year. This is really quite similar to the bill that was passed for the township of Iroquois Falls.

Mr Miller: As far as the ministry is concerned, was there a mistake made? Is that what you are saying? Is that what the bill is saying, a mistake was made in the assessment?

Mr Ballinger: Let me just to introduce you to Linda Gray, who is on staff, who certainly is better advised on the situation than I am.

Ms Gray: I do not think it is a matter of a mistake being made; it is a matter that county-wide reassessment has not occurred in recent years. The Ministry of Revenue has assured us that county-wide reassessment will be taking place in the near future in this municipality, and that will sort out the problem.

Mr Miller: As far as the ministry is concerned, there is no problem with the bill.

Ms Gray: With the bill proceeding, no.

The Acting Chair: Are there any other questions? All right. Perhaps now we can consider the bill.

Sections 1 to 6, inclusive, agreed to.

Title agreed to.

Preamble agreed to.

Bill ordered to be reported.

CITY OF MISSISSAUGA ACT, 1990

Consideration of Bill Pr78, An Act respecting the City of Mississauga.

Mr Runciman: Mr Chairman, I will also be the sponsor of Bill Pr78, An Act respecting the City of Mississauga, in the absence of Mrs Marland, who is unavoidably detained this morning.

The Acting Chair: Perhaps for Hansard, you could introduce the two individuals sitting with you.

Mr Runciman: I will ask the two individuals to introduce themselves.

Ms Pohjola: I am Shelley Pohjola.

Mr Droogendyk: My name is Herb Droogendyk.

Mr Runciman: Shelley is the director of legal services for the city of Mississauga.

Ms Pohjola: The corporation of the city of Mississauga presently has private legislation which has been in force since 1987 which effectively provides us a mechanism to credit municipal taxes if certain conditions are met. Essentially, those conditions are, an individual is over 65 years old, has lived in Mississauga for a year and is receiving supplements under part II of the Old Age Security Act, is over 60 and receiving family benefits or is handicapped and is in receipt of family benefits.

If those conditions are met, we are essentially enabled presently to credit a certain sum of money, \$150, against municipal taxes. This bill is essentially a request to extend that period of time. The time expires, in the present bill, this year. We would like to continue it on until 1995, and that is basically the purpose of this bill. We would ask your consideration in this matter.

The Acting Chair: Are there any questions from any members of the committee?

Mr Ballinger: The ministry certainly has no objection, Mr Chairman.

The Acting Chair: I am treating you like a member of the committee, Mr Ballinger.

Mr Ballinger: Thank you.

The Acting Chair: I have a couple of questions. How did this all come about? What was the political motivation to do this?

Ms Pohjola: I will have to defer to Mr Droogendyk. I was not working with the municipality at that time. He could perhaps answer that question.

Mr Droogendyk: The city of Mississauga previously allowed an outright grant of \$100 under the Municipal Elderly Residents' Assistance Act. Council was of the opinion that this did not serve enough people. It could not serve the handicapped, so it requested private legislation, which was patterned really after what was in effect in North York already, and now allow a \$300 credit rather than a \$100 grant.

The Acting Chair: Did this come about at the same time as reassessment was coming up? Was that the kind of issue?

Mr Droogendyk: This was prior to reassessment.

The Acting Chair: I have no further questions. I am pleased to see Mrs Marland.

Mrs O'Neill: I heard the sum of \$150 and then I heard the sum of \$300. Which is it? Does North York have \$300 or do you have \$300?

Mr Droogendyk: We have \$300, Mississauga.

Mrs O'Neill: I thought that your legal assistant said \$150.

Mr Droogendyk: If I may, the act provides for \$150 or such greater amount as council, by bylaw, provides.

Mrs O'Neill: Okay. So the two together come to \$300. Thank you.

1020

Mr Miller: Mr Chairman, could I ask another question? How many municipalities have a program such as this? Have you any idea?

Ms Gray: I do not have an exact number. There are quite a few municipalities which have come for private bills to give assistance to the elderly. In recent years, some of these bills have been extended to the handicapped as well.

To my knowledge, we have municipalities such as East York, Scarborough, the city of Toronto and North York. Mississauga had the previous bill and this is an extension of theirs. There are probably about 10 other municipalities, I would imagine.

The Acting Chair: Are there any other questions by members of the committee? There not being any, perhaps we can consider the bill.

Sections 1 through 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

TOWN OF NIAGARA-ON-THE-LAKE ACT, 1990

Consideration of Bill Pr88, An Act respecting the Town of Niagara-on-the-Lake.

The Acting Chair: The next one is Bill Pr88, An Act respecting the Town of Niagara-on-the-Lake. I realize that there are both applicants and other interested parties. I would like to have as many come forward as possible. I am not quite sure how many that will be, but we will take as many at the microphones as we can.

There are other materials being handed out to members of the committee right now and there are amendments coming forward too. Does everybody now have copies of both the new materials and the amendments?

Mr Dietsch, perhaps you could introduce everybody who is with you.

Mr Dietsch: I appreciate the opportunity to come before the committee this morning. With me, I have John Crossingham, who is the solicitor for the town of Niagara-on-the-Lake; Stan Ignatczyk, who is the mayor of Niagara-on-the-Lake; and Frank Fraser from the firm of Martin, Sheppard, Fraser, representing one of the land owners involved in the bill.

What I would like to do is just hand it over to Mr Crossingham, who will put forward some explanatory notes. The bill is actually quite self-explanatory; it is for irrigation purposes for the town of Niagara-on-the-Lake and certainly is looked at as a method whereby the province of Ontario and the town of Niagara-on-the-Lake will be the leaders in providing irrigation for their farmers.

With that short introduction, I would like to introduce John Crossingham, the solicitor for the town, to put forward the viewpoints of the applicant.

Mr Crossingham: Quite simply, the town is very well situated geographically to handle the system of irrigation. We have water basically on all four sides of the municipality and a fairly extensive drainage and creek system in the municipality.

which we can feed water into. We have therefore created a bill that will allow for the introduction of water into the various river and creek systems in the municipality and permit us to control the removal of that water by various individuals, farmers and others along the banks and otherwise in the municipality.

It is something that is necessary for the farming community. There is, on average, a smaller rainfall through the growing season than is necessary for optimum production. In allowing us to place water into the system to supplement the natural rainfall, we feel that we will provide a stronger base for the agricultural community in Niagara.

There have been a number of amendments that have been proposed to the legislation. I believe they are all agreeable to all of the parties before you, and if it is appropriate, I could address those topics now.

The Acting Chair: Go ahead.

Mr Crossingham: The first amendment was the result of negotiations with Mr Fraser and his client. Mr Fraser's client is a golf course. The golf course has been drawing water under an Ontario water resources permit and wanted to be sure that it would not be impeded from continuing to draw water, that it would be included in the system. So we have prepared an amendment that would allow any person who has a water resources permit to continue to draw the water. When a system went by their property, they would automatically be included in the irrigation area along that water system or drainage system.

The amendment goes on to state that whatever other provisions in the bylaw or legislation apply to a person who uses the system, such as control over the timing or the manner in which water is taken or the fact that water cannot be resold, all of those provisions would apply to the user. I believe the amendment as set out is acceptable both to the town and to the representatives of the golf course. That is the first amendment, and perhaps Mr Fraser might wish to comment on that.

Mr Fraser: Essentially, that is correct. The golf course can live with the amendment as circulated.

Mr Crossingham: The second amendment in question deals with subsection 14(3). The Ministry of the Environment simply said that the Environmental Assessment Act and the Environmental Protection Act would apply anyway, so there should be no reason for having to put it in as a specific statement. We agree with that and we are asking that it be removed from the act, that subsection 14(3) be struck.

The other amendment is suggested by the Ministry of the Attorney General, and we have no objection to it. That is in section 8, which allows us to seize equipment in the event it is being used in violation of the bylaw. The Ministry of the Attorney General has asked that we give a receipt to the owner upon request of any equipment that is seized, and obviously we have no objection to doing that.

The final amendment is one that I am indebted to my friend Mr Fraser for pointing out. In going through and increasing the powers of entry under subsection 8(1) to allow us not only to go in for construction purposes but also to maintain and inspect the irrigation system, the suggestion under subsection 8(2) is that if we do go in and do that—the original drafting of subsection 8(2) simply indicated we had to repair damage on construction. Obviously, we should repair damage that occurs on maintenance or inspection as well, and that amendment would allow for that.

Those are the amendments that have been put forward and we are content that those amendments be made. We believe they are positive improvements.

As we are dealing with an area that has not as yet been addressed in Ontario, the assistance of all the people who have put forward their thoughts and ideas resulting in the ultimate bill have been appreciated, and we look forward to these amendments as further improvements to that document.

Sections 1 to 7, inclusive, agreed to.

1030

Section 8:

The Acting Chair: Mr Reycraft moves that subsection 8(2) of the bill be amended by inserting after "construction" in the second line "maintenance or inspection."

Mr Crossingham: If I may, I note that it should appear after the word "construction" in the third line as well, so perhaps we could have that read "second and third lines." The word "construction" appears twice, and "maintenance and inspection," I believe, should go in both places.

The Acting Chair: I think in that case perhaps let's do the amendment again.

Mr Reycraft moves that subsection 8(2) of the bill be amended by inserting after "construction" in the second and third lines, "maintenance or inspection."

Motion agreed to.

The Acting Chair: Mr Reycraft moves that section 8 of the bill be amended by adding the following subsection:

"(4a) The agent or employee of the town shall, upon request, give a receipt for any equipment seized under subsection (4)."

Motion agreed to.

Section 8, as amended, agreed to.

Sections 9 and 10 agreed to.

The Acting Chair: Mr Reycraft moves that the bill be amended by adding the following section:

"10a(1) This act or a bylaw passed under this act does not prevent the owner of land abutting the irrigation system from continuing to use the amount of water authorized by a permit issued on or before 19 June 1990 under section 20 of the Ontario Water Resources Act.

"(2) The land to which subsection (1) applies shall form part of the designated area, and a bylaw passed under this act may impose the same controls over use and charges for the use as are imposed on the remaining lands in the designated area."

Motion agreed to.

Sections 11 to 13, inclusive, agreed to.

Section 14:

The Acting Chair: Mr Reycraft moves that subsection 14(3) of the bill be struck out.

Motion agreed to.

Section 14, as amended, agreed to.

Sections 15 and 16 agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

Mr Dietsch: Just on closing, I would be remiss if I did not acknowledge the great help of the clerk of the committee, Lisa Freedman; Cindy Mifsud, the legislative counsel; and Linda Gray from the Ministry of Municipal Affairs. I must acknowledge the great support and assistance that those three individuals have been to this particular bill, and I very much appreciate it.

TOWNSHIP OF PLYMPTON ACT, 1990 (continued)

Consideration of Bill Pr65, An Act respecting the Township of Plympton.

The Acting Chair: We are next going to deal with Bill Pr65. Mr Smith is here. I know he has been in another committee as well.

Mr D. W. Smith: I am here to sponsor Bill Pr65, An Act respecting the Township of Plympton. With me is Rob Gray, who is the solicitor for the township. Next to him is Allan Gray, and Jim Gee, solicitor for Allan Gray.

I explained this bill last week to the members of the committee. They have somewhat changed since last week. This bill had to take place because Plympton is one of seven municipalities that all passed the same bylaw originally, I believe, in 1985, but in Plympton Mr Gray challenged the bylaw and he was successful. So Plympton township has no way of collecting from the people who are on this pipeline in order to pay back the debt that the pipeline has created.

In Plympton township there are approximately 35 to 40 miles of pipe. It is all in the ground now. At the time the bylaw was challenged, it was not all in the ground. Plympton is the central municipality that is within this East Lambton Area Water Supply System, which is what it is formally known as, so we have a very big part in this whole water line.

As I said, some of the line has been in the ground since 1987, so we are talking about something that has happened, and as far as I am concerned, there is no other way than for this committee to accept this so the municipality can get on with collecting money legally from the people. Some of you may have realized that there has been legislation passed since then that will accommodate all municipalities to pay for water or sewage on this basis.

I think with that I will stop and let Mr Gray make any comments, or if you want to ask questions of him as a committee, then I think I have said enough at this time.

The Acting Chair: There are two Mr Grays?

Mr R. Gray: That is correct.

The Acting Chair: Okay. The first one we are dealing with is Robert Gray, the solicitor for the applicant.

Mr R. Gray: In light of the fact that the committee has changed somewhat, with your indulgence I will elaborate upon the comments I made last week.

As Mr Smith has indicated, Plympton is one of the seven participating municipalities in the East Lambton Area Water Supply System. At the time that the township of Plympton became involved with the system, it decided to impose charges associated with the land owners in the municipality in accordance with the provisions of the Municipal Act, section 218, as it existed at that time. Authority in the Municipal Act was given

to the township to charge for the municipality's share of the water line.

Just so the committee is aware, the province in Plympton's case has agreed to contribute 85% of that cost, so Plympton has sought authority to collect from the land owners in question 15% of the cost that is part of Plympton's share of the overall project.

At that time the Municipal Act provided authority for a metre frontage rate to be charged against the lands that received the benefit from the works. In accordance with that, the township of Plympton passed a bylaw charging the metre frontage rate.

The difficulty arose when one of the land owners affected, Allan Gray, brought an application following the passage of Plympton's bylaw, which initially was approved in a hearing of the joint boards of the Environmental Assessment Board and the Ontario Municipal Board, which gave authorization for the bylaw. Following its passage and following the commencement of the project, Mr Gray challenged Plympton's bylaw, based on the fact that he alleged Plympton failed to follow the strictness of the definition in section 218.

The definition that Plympton employed was that the waterworks were to be an annual metre frontage charged against each lot at the rate of \$767.81 per metre, divided by the frontage of the lot. The reason for that was that in the overall scheme of things, the township looked at its required costs and wanted to be fair in its allocation against all of the land owners who were going to be affected or were to receive a benefit. In effect, what their charge was determined to be by the court was invalid.

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Initially it went to the Supreme Court on a motion. The township appealed that and went to the Court of Appeal, and the Court of Appeal agreed that the township was attempting to expand the definition beyond its limits and in effect was charging a unit charge. If you look at the definition, it works out—if you multiply X number of dollars times the frontage and divide by the frontage, you have a unit charge. The Court of Appeal said, "You are not following strictly within that definition."

Clearly the township had authority at the time, in accordance with the Court of Appeal decision, to charge a metre frontage. It was a question of how they implemented it in their bylaw.

As a result of that and as a result of a consideration. I believe, in other matters, the Legislature initially, back in December of last year, amended the Municipal Act and provided authority to a municipality to levy a fixed charge for each parcel of land, comprising the land designated under subsection 4, basically, in the Municipal Act, which was the land to receive the benefit, which is a parcel separately assessed according to the last returned assessment roll. Further authority was given for a municipality to charge by any other method which the council considers to be fair. That was passed by the Legislature pursuant to Bill 90 and it received royal assent on 19 December 1989. That amended the provisions of the Municipal Act.

The problem for Plympton is that in our interpretation the amending authority in the Municipal Act does not cover Plympton's case by virtue of the fact that it deals with construction. What the amendment does is deal with future types of projects that are being contemplated at the time of the bylaw's passage. Unfortunately, we find ourselves in the position of having the pipe, as Mr Smith has indicated, in the ground.

We are simply asking for authority to now levy a charge against each of the property owners for their proportionate share of the cost.

There was some discussion last week about the type of cost. As I have indicated, initially the bylaw provided for a levy of \$767 and change for a period of three years or you could commute it on a flat rate charge of \$1,800. So that the committee is clear, that is levied against each lot, each assessed parcel of property in the municipality, whether or not you hook up to the water line. I believe that was somewhat unclear last week in the committee's mind. Each property that fronts upon the water line is subject to the imposition of the charge whether you connect or not.

If you do decide to connect, and there is no compulsion on you to connect, there is a further connection charge of \$300 to cover the cost of the connection, the meter and so forth, and then, of course, each user would be charged on a usage charge based on consumption.

I do not believe in terms of the background there is anything further that I can add to the nature of our request. We are simply attempting to receive the authority to deal with only that area that was challenged by Mr Gray, and thus the reason for the schedule which is attached to the bill, because that land is the same land that was covered by the initial bylaw that was challenged and ruled to be without the proper authority to impose the charge.

The Acting Chair: We also have with us two representatives from the Ministry of the Environment, Margaret Geldart and Leo FitzPatrick. Perhaps I could have one of you provide the comments of the ministry.

Mr FitzPatrick: I think I should merely say that the ministry is in support of this bill. The court decision that was referred to pointed out that the municipality had not operated completely within the enabling legislation in imposing its charges. The court did not say that the power of the municipality to recover these charges should be taken away completely. That is all the municipality is asking today, that it be given the tools so it can go back and make its original decision properly.

The ministry is interested, of course, because it is the ministry that has spent the money in constructing these works and is interested in the recovery of the 15% capital cost that was mentioned previously.

The Acting Chair: What I would now like to do is have members, if they have questions, ask questions of the applicants and then we will hear from the other Mr Gray and his solicitor and then go through the process again with any questions to them.

Mr Reycraft: Was bylaw 22 unique in any way? Was it a bylaw that was copied after bylaws used by other municipalities? How common is this kind of bylaw, the one that was struck down by the court?

Mr R. Gray: Without commenting on other areas of the province, and perhaps the ministry has more information than I have, I can indicate that of the participating municipalities in east Lambton, there were seven and they all used the same type of bylaw that was applicable to their particular case. The wording was identical as it affected, for example, the township of Warwick, the township of Bosanquet and the township of Sarnia at that time, which is now the town of Clearwater; all used the same bylaw. The source of the input for the bylaw was from the ministry.

Mr Reycraft: Is the reason that those other bylaws have not been a problem simply because they went unchallenged?

Mr R. Gray: That is the case.

Mr Reycraft: Can those bylaws now be challenged by users on the system?

Mr R. Gray: There may be some authority for that.

Mr Reycraft: It occurs to me that we perhaps should be recommending to the Minister of Municipal Affairs that there be a change in the legislation that was passed last December, to avoid municipalities being put into the position that Plympton is in, on a retroactive basis. However, that has nothing to do with this bill.

The Acting Chair: The Chair does note in passing that when you asked the question, there were a number of heads nodding in silent agreement with the proposition you were putting forward. Perhaps Mr FitzPatrick can enlighten us.

Mr FitzPatrick: As I understand it, the drafting of such bylaws was proposed simply because municipal councils wanted additional flexibility in the manner in which they impose rates. In the ministry's experience, there have been some two dozen of these bylaws passed with Ontario Municipal Board approval. As for challenging the bylaws, there is a provision in the Municipal Act that a bylaw is valid if not challenged within a year. I suspect if there is a difficulty, it is one that is rapidly drawing to a close.

Mr Pollock: This whole thing seems to be backwards to a commonsense approach, it would appear to me. They are charging \$1,800, if I understand it correctly, when the line goes by the person's property, or you can do it for \$767 in three instalments.

Mr R. Gray: Yes.

Mr Pollock: Then you only charge \$300 when you actually hook up.

Mr R. Gray: Because the initial charge is simply for the contribution towards the capital cost of the line going by. The \$300 relates to the township's charge as associated with providing meters and so forth.

Mr Pollock: Yes, but I would almost think, in just a commonsense approach, that you paid the big price when you actually hooked up, when you actually needed the water, when the person wanted the water. The small price would be just for the convenience or maybe the increased value of your property when the line actually goes by your property.

I have a farm with all kinds of water on it. Why would I want to pay a big price for a water line going by my property?

1050

Mr R. Gray: There are a number of things, I suppose, that each municipality may impose, and on an individual basis you may object. What has happened here is that the council of the day considered what it felt was fair and equitable in order to gain the overall monetary funds to pay for its share of capital cost.

That may result in the imposition of a charge against someone who at the moment does not require it. But in order for the municipality to properly allocate among the total system, in my submission that is the fairest way of doing it rather than waiting down the road, because they are not going to know how much they are going to be able to levy against each individual down

the road if they are unsure of who is going to connect or who is not. They want to know up front where their source of supply is and how to allocate it at a reasonable charge, fairly, among everyone who is affected by the line.

Mr Pollock: But I am back to the same argument. To me it just does not seem fair. You think it is fair; I do not think it is fair. I guess we will have to leave it at that. As I say, the big charge should be when you actually hook up to the people who actually get the water.

Mr D. W. Smith: If I could just add, on top of that, every property was assessed for three years, I believe, over the entire township, to help cover some of the expense of this capital cost as well.

Mr Pollock: I have no problem with that.

Mr Miller: We heard the arguments last week, and I would like to hear the other side from Mr Gray's lawyer, the reasons for and the success of the appeal, to get that side of the story.

Mr Reycraft: I just want to make the point that I believe we are here to deal with the authority of the municipality to pass the bylaw, not to deal with the contents of the bylaw per se. The fairness is something that is determined first by the municipality subject to appeal to the Ontario Municipal Board. That has been dealt with. What is in question is the authority of the municipality to pass the bylaw.

Mr Pollock: It has to be dealt with by the courts too.

The Acting Chair: It sounds to me like we are getting into a debate that would more properly belong to when we discuss whether we are going to pass the bill or not.

Mr D. W. Smith: If I could just make one comment, the cost of this pipeline has risen since the original plans were started with this bylaw. I would say that the line has gone up by about \$8 million since the original planning was done. So there might be some additional costs that Mr Gray referred to. I would not want that to go unnoticed.

The Acting Chair: I would like to turn now to Allan Gray and his solicitor, Mr Gee, to outline your position.

Mr Gee: First of all, I think I must take some issue with the facts that have been presented for your consideration. I must apologize to you that I am obliged to rely upon the media for some of these comments.

It is my understanding from a publication in the *Sarnia Observer* of Wednesday 8 April 1987—there is an article dealing with the commencement of construction of the first phase of this water system in the county of Lambton. The third paragraph of the article is as follows:

“Actual work on the pipeline in the first section and the section along the lakeshore from Camlachie north will not begin until after May 1 when the half-load limits come off county and township roads,” Mr Ingram said.”

Mr Ingram, I understand, was a representative either of the Ministry of the Environment or of the consulting firm that had been retained with respect to the project.

My records reflect that the court proceeding against the township of Plympton was commenced on 23 February 1987, at least one month prior to any commencement of construction. So at that time, before a shovel was in the ground, the township, and the ministry by inference, was aware of the fact that there was a contest with respect to the authority under which the levy was to be made.

The Acting Chair: Excuse me, just so we are clear, is that when it was served on the opposite party or when it was commenced?

Mr Gee: It was commenced on 23 February and it was served within two days.

The remarks that Mr Gray has made to you about the effect of Bill 90 are quite correct, that it is prospective in nature, that it is not retrospective. What you are now considering is a bill that would vest in the township of Plympton the authority to do what it had not the power to do when this matter was originally undertaken by way of application in 1986.

I think in fairness I should say to you as well that the court, in considering the particular bylaw, bylaw 22 of the township of Plympton—it was heard originally by Mr Justice Barr of the Supreme Court and was subsequently considered by the Court of Appeal. With respect, I must disagree with Mr FitzPatrick's conclusion about the effect of the other bylaws of like subject matter.

The court found, and the finding was confirmed by the Court of Appeal, that there was no authority in the municipality to pass the bylaw in the form that has been used by the Ministry of the Environment and recommended in this case to a total of seven municipalities. There simply was no authority for the bylaw. A bylaw that is in legal terms *ultra vires*, that is, beyond the powers of the municipality, never has any effect, period. So Mr Reycraft addressed the matter. He inquired as to whether there are other bylaws of like effect and yes, there are.

I may say also that I should think the Ministry of the Environment would have been aware of the problems that have arisen with respect to the subject matter, the matter that is before you now, and Bill 90. There was a reported case in 1981 in which the Ontario Municipal Board considered a similar bylaw containing similar provisions. That case was before the Ontario Municipal Board. The member considering the matter was Thomson. Without benefit of opposition, he found at that time that there was no authority for a bylaw of that nature in the legislation. So it has been some time.

There has been some judicial comment or quasi-judicial comment about the subject matter of this legislation for some period of time. What the applicant now comes to you to say is: “We have been found to be incorrect in what we have done. Will you please now vest us with the authority to do what we could not do before?” I think that is the sum and substance of the application in so far as this particular applicant is concerned.

There are two other things that are relevant, one of which was touched upon by Mr Reycraft, and that is that what you are being asked to consider and to approve is to vest in the municipality the authority to pass a bylaw that will create a levy upon certain of the ratepayers within the township of Plympton.

1100

You have heard Mr Gray indicate to you that the amount of that levy in the past, in the bylaw that was contested, was the sum of \$1,800. That bylaw and that scheme of levy was the subject of a hearing before the OMB. That board in its wisdom determined then, at that particular point in time, that this scheme was fair and equitable. You have now heard from Mr Smith, who has indicated to you, as I understand it, that the costs have escalated some \$8 million. That, to me, equates to approximately 35%. I suppose rather obviously that money is going to have to come from somewhere.

I do not think what we are looking at today is a levy that would be in the original amounts that were contemplated by the parties. It is going to be in some different amount. As I under-

stand the legislation—perhaps I do not understand it in its entirety—the authority that would now be vested in the municipality is one with respect of which there will be no approval required by the Ontario Municipal Board. The authority to pass the bylaw would be unfettered in any respect. This would, of course, allow the municipality to create a levy on certain of the ratepayers in the municipality. There would be no recourse to the OMB as there was in the original situation when it was undertaken in 1986.

I think that, as best I can, explains the background of the legislation and the events that had lead up to the legislation from the perspective of Allan Gray. Mr Pollock, I think, has quite properly pointed out one of the objections that Mr Gray, as an individual, has to the entire scheme: Mr Gray, like Mr Pollock, has an adequate supply of water; he does not need this system and he objects to paying for it. He has always objected to paying for it from the very inception of the scheme.

I would be pleased to entertain any questions.

The Acting Chair: Do I understand your position correctly that you are opposed to the bill as a whole, that it is not a question of making it more palatable by amending anything?

Mr Gee: I think that is correct.

The Acting Chair: Is there any comment from the ministry at this point?

Mr FitzPatrick: Yes. Mr Gee has made a number of interesting observations that I suppose may point the finger in some degree at the ministry for things that it might have done better in the past. But, as I would suggest to you, most of his comments are not particularly relevant to the decision you are being asked to make today.

As I said earlier, the court said that the manner in which the municipality operated was not correct. It did not suggest in the slightest that the municipality should not be empowered to exercise discretion and recover its capital costs. The municipality is simply asking today that it be given that discretion the same as any other municipality would have today in undertaking a new water route.

Mr Pollock: We know that municipalities over the years have run water lines past property owners. What is the procedure? What was the procedure in the past, where if you go down a road and, say, 10 people want to hook on and there are maybe four or five who do not? Has the procedure over the years been to levy everybody or just the ones who actually wanted to hook on to it?

Mr Gee: At the time at which this particular undertaking was authorized by the participating municipalities there was the then enabling legislation, and it continues to be contained in section 218 of the Municipal Act. There was a series of four types of levies that could then be properly made or a combination of those. In fact, in this particular project there was some combination of varying degrees within the individual municipalities.

One of the methods that was permissible was a simple metre frontage rate, \$5 a metre for the number of metres frontage that you had, similar to the Local Improvement Act. The second one was a metre frontage rate on lands that received a deferred benefit; so if you had lands that did not front on the pipeline but you might have access in the future, there might be a charge of that nature. There was an acreage rate on any lands that are designated, either to receive an immediate benefit or a deferred benefit. Last, there was a mill rate on the assessed

value of the lands either within the area that would benefit or within the whole municipality. There was one other rate on that portion of the lands, a sewage rate based on water rates.

Those were then the four methods by which the costs could be recovered from the ratepayers within the area.

Mr Pollock: I was always of the opinion that when you actually made your hookup, that was when you paid the lion's share of the cost. That was always my gut feeling. I have never been involved with this as a reeve or as a ratepayer.

Mr Gee: Under those provisions I think very clearly there can be a levy without actually obtaining the service. Certainly, under the Local Improvement Act, where improvements are in the nature of a water line, pavement, curb, gutter, or sewers, those as well as the actual cost of the facility, can come out as a charge, even though you may elect not to take the benefit.

Mr Pollock: But to this extent? Is that what we are talking, to the extent that Mr Gray had to pay?

Mr Gee: I guess the amount varies within this scheme. I cannot specifically recall. I think the costs in the township of Plympton for hookup were at the lower end of the scale. At the higher end of the scale was the township of Sarnia, and to my recollection it was \$5,800.

Mr Pollock: When you actually hooked up?

Mr Gee: No, \$5,800 simply to have the line run across your frontage.

Mr A. Gray: One gentleman in Sarnia township had six services from which he could not withdraw any of his properties, which was roughly \$35,000.

Mr Pollock: Did those properties actually need water at the time or not?

Mr A. Gray: Not in his particular case.

1110

The Acting Chair: I have a number of other members who want to ask questions. I do not want to cut anybody off unduly.

Mr Pollock: Go ahead.

Mr Miller: I do not know if I want to ask a question. I just want to make a comment as far as the committee is concerned. I think the municipality is in a bind in order to provide funding to cover the cost of operating this land, and the line is in. I think a decision was made by the council at the time in good faith that the service would be provided. There must have been a demand in order to put the pipeline in.

I know, as a farmer myself and because we live in an area where there is need for better water facilities, where it is being trucked in, it is the most expensive way to get it. I do not think, as one member of the committee, that we have any alternative but to support the bill after hearing the discussion so that the municipality can move forward.

Mr Reycraft: I want to ask Mr Gee for his opinion about Mr Justice Barr's decision. As I understand it, the decision was based on the fact that the Municipal Act did not grant Plympton the authority to pass that kind of bylaw, because it did not specifically address the matter; that is, not because it specifically prohibited that kind of bylaw, but simply because it was silent on the matter. Is that essentially correct?

Mr Gee: Yes, substantially so. In the area of municipal law, you have to appreciate the proposition that unless there is

specific legislative authority to do something, it cannot be done legally. In this case, what Mr Justice Barr found was that because the Municipal Act did not permit it, therefore it was prohibited.

Mr Reycraft: Okay. Plympton obviously assumed that it had the authority when it passed the bylaw. I think that is fair to say. I assume as well that the other six municipalities in east Lambton proceeded on the same assumption. I asked earlier about how common this kind of bylaw was. It is my understanding that there are a lot of municipalities in the province, before Mr Justice Barr's decision, that use bylaws of this type. Is that correct?

Mr Gee: I believe that to be so, but I would have to defer to Mr FitzPatrick on that. I think the number would be much greater than 24.

Mr FitzPatrick: We are aware of 24 that have done so and received OMB approval. There may well be quite a number of others.

Mr Bossy: Having not been able to be here last week—and I think Gordon Miller just touched on the question—there was a need for water identified by the municipality and thereby decisions were made to supply water. The ministry went ahead and agreed and did all the proper environmental assessment and whatever was necessary to proceed with that pipeline, also the sizing of the pipes to be used for the supply of water.

It touches on what Mr Pollock was referring to concerning who pays and who should be assessed. If there are 10 people interested and there are four people not interested, the size of the pipe generally is cut down to accommodate everybody if they should avail themselves.

I have to assume that Mr Gray may need water some time down the way—he presently does not; this I have to assume again too—and thereby oppose this. But the people who made the decision to put this line down have to put down a line to accommodate everybody, thereby costing everybody something, so that the amortization of the cost of this line falls on all. But we are here to try to decide. The township is asking us, so that it may pass a bylaw, to assess the cost. I am trying to just get straight in my mind what is trying to be achieved.

For us to go into the details as to the pros and cons, whether the pipeline should be there or not, this is not for us to decide here. It is strictly to decide whether the township has the power to pass a bylaw and properly charge out the cost of that line. That is already there. Is the water line not in use at this time? It is in use at this time. So I have to assume nobody is paying for this except the government. Is that right?

Mr R. Gray: Just to expand upon that, some people who have connected to the line in Plympton have voluntarily contributed towards the cost. Plympton, I believe, is holding that money in trust at this point.

Mr A. Gray: The reason it is being held in trust is that there is a cost-plus factor on the \$1,800. I think there is a misunderstanding by the committee to say that this area here that is involved is along the lakeshore of Lake Huron. We have a little bit of strip development. This water line is not there for agricultural people; it is there for the urban designation. When the sewers go by for which we got a letter last Thursday, saying that it is to be installed, it is to pick up the sewage from the urban development, which will be very expensive.

As far as the agricultural community on the north half of the township goes, there is very little need for water. In fact, about

90% of the farmers objected to it and the original \$6,000 fee that was brought on. The petitions were sent in to the township, but for some reason they were ignored. I do not know why, but every time we raised the issue about the petitions, I do not know what happened to them. Having petitions in Plympton did not seem to amount to anything.

Mr Bossy: I feel a little bit of doubt that we should be stopped from granting to the municipality the powers to make decisions as to what costs should be apportioned to the people who either are going to utilize it or have access to it, whether they utilize it or not. It is a difficult position for the municipality.

At the same time, if we do not approve this, I do not know who can operate a municipality and make a decision. It is after the fact, I realize. The pipeline is there. You could stop it before, but once it is there, somebody must pay. I think that is the question, and the municipality has to struggle with the users.

Mr A. Gray: The fact was that they were going to provide water for Forest regardless, but they did want to put it through Plympton to pick up some extra assessment. They claimed the town of Forest had no water—which I did not feel that confident about either, but at any rate the Minister of the Environment said they did not have any water—so the easiest way to get there was through Plympton.

There have been very few farmers hook up to this in the north end of the township. There had been a lot of them hook up when they put the other one in 1989 along Highway 7 or the fourth concession of Plympton, because there is a terrible water problem on that road and I realize that. They could have had water 15 years ago, had they wanted to, by hooking into the Petrolia line, but they did not agree to do that so that is their business. The sixth line also suffers some problems.

Mr Bossy: I do not feel that this committee should make a decision as to what rate should be charged or whatever it matters for the municipality. The only thing that we are trying to decide here is whether the municipality should have the authority to do so.

1120

The Acting Chair: I have a question. Is the installation of this line a matter which affects the development potential of the lands that it passes by?

Mr Gee: In my experience, having done some municipal work, it is my belief and opinion that the provision of water is the precursor of urban development. You cannot have urban development in this province today, I believe, without water. Once you supply water, you provide the principal basic for urban-type development.

The Acting Chair: Is that what this fight is really about?

Mr Gee: I think that was part of the objection of the agricultural community to the entire project at its inception. I think that is a fair comment.

The Acting Chair: Is it the view of either of the solicitors that it would be lawful for the municipality to create a rate scheme that would be structured in such a fashion as to reduce the numbers that we are hearing about, that would be applicable if this thing were to go ahead for Mr Gray? Would there not be some discretion for how the rates would be structured if all of this were to go ahead?

Mr Gee: I think at this point there has been an overrun on costs. I am not aware that that has been addressed with a view to amending the rate structures, and I use the word in plural, because there are other rates that are involved, not just this one.

The Acting Chair: I guess I am just wondering whether it is possible. I am not really worried about what it would be. I am not trying to suggest what the municipality ought to do. I am just inquiring as to whether it is feasible in law.

Mr Gee: Yes, there are a variety of options that would be available to the municipality, I believe.

The Acting Chair: I am sure that is something people may want to think about. Are there any further questions from any members of the committee? I am mindful of the time here for the next bill.

Mr Pollock: I am a little curious. Mr Gray, now that this water line is in front of his property and if he has to pay for it, does that allow him to use his property if, say, somewhere down the road he wants to sell it for a subdivision?

The Acting Chair: You are looking at me as if I am going to answer the question, and I am not. I take it that was a rhetorical question.

Mr Pollock: Here they are making the person pay for it, but they are turning around and saying, "No way." I mean, I would imagine somewhere down the road they will say, "No way can you subdivide your land." I went through some of those procedures before.

The Acting Chair: Okay. I am not trying to engage in land development philosophical debate here.

Mr Miller: But it does improve the value if the pipeline does run by the door and water is available. It is an asset.

Mr Pollock: Even if you have all kinds of water on your property, it really does not improve the value very much.

The Acting Chair: Gentlemen, it is interesting, but time marches on. Is there any new question from any member of the committee? There not being any, what I—

Mr Reyecraft: You start the fight, then you do not allow us to continue.

The Acting Chair: There are frustrations in this job.

Mr Gee: Mr Chairman, might I be permitted one final comment?

The Acting Chair: Yes.

Mr Gee: I think perhaps it might be borne in mind that with respect to the funds that might otherwise be generated within the municipality as a result of a levy made in consequence of this legislation, it might be picked up by the Ministry of the Environment.

The Acting Chair: I take it nobody is holding his or her breath.

Mr Reyecraft: What would that do to my chances of getting water in Newbury?

Mr A. Gray: Mr Chairman, if I might, I would like to say that I farmed all my life, for 46 years, and I do find this a jeopardizing factor, this water line. It seems to be that there has to be something included in an act that says a farmer has a right, and in this kind of stuff the farmer does not have a right.

Just this winter, as an example, we have been hit with a 400-acre golf course-condominium complex. I am quite sure if the water line was not there they would not have been thinking of it, but at any rate we got it under control, I think. But it is water lines that create these kinds of circumstances, which just make a merry-go-round for farmers.

You say water lines improve the value of your land. The value of your land does not mean a damned thing as long as you farm. It has nothing to do with that end of it, but it encourages speculators to come in. The problem when farm land does come up for sale, and you can realize this, Mr Pollock, is that the first ones there are other people, not farmers. This is what has happened to our farm land all over Ontario.

Another problem with our area is that it is a 3,300-heat-unit land that we have there, which is very significant. It is not a case of, you know, "Is he getting more inland?" We are something like Chatham. We are a little bit in reverse, but we do produce quality crops. It is very detrimental to me, as a farmer all of my life—I have never done anything else but farm—to find this imposition placed on me all the time.

Another factor is that this water line goes by our place. That is fine. But this is Transite pipe also, which is asbestos. My wife would not take that water if you gave it to her, because that watermain is under high pressure. It is not under a few pounds' pressure. It is possibly between 150 and 200 pounds' pressure to get it to the town of Forest.

Maybe I am out of line, but when you run high-pressure water through an asbestos line—and when I questioned that, I was informed that it was left up to the contractor to see what he would supply. So they lugged it all the way in from Kentucky because there is no place in Canada that produces asbestos line. That is my line, going from lot 20 to 51 in Plympton township. I do not like it, I have many objections, but I am not going to keep you people any longer. I would like to thank you very kindly for your concern in this matter.

The Acting Chair: Thank you very much, Mr Gray. I am going to propose at this point that we deal with sections 1 through 5, the preamble, the schedule and the title, keeping in mind, members of the committee, that the key question will be the next one, about whether the bill carries.

Sections 1 to 5, inclusive, agreed to.

Preamble agreed to.

Schedule agreed to.

Title agreed to.

Bill ordered to be reported.

The Acting Chair: Just so that the parties on this bill are aware, this bill will be reported back to the Legislature. It will still require second and third readings, although routinely—not always, but routinely—the Legislature accepts these reports and acts on them. I take it the parties will perhaps consider things like rate structures and other interesting development issues.

Mrs Cunningham: And asbestos pipes.

The Acting Chair: That too. Thank you very much for your presentation. All of the people who made comments were very helpful to the committee.

HUMAN RESOURCES PROFESSIONALS
ASSOCIATION OF ONTARIO ACT, 1990
(continued)

Consideration of Bill Pr70, An Act respecting the Human Resources Professionals Association of Ontario.

The Acting Chair: We have our last matter now. It involves Bill Pr70. People have been very patient. I would like to ask Mrs Cunningham to bring forward all of the people who are involved with this bill, both the applicants and other parties, and we will try to arrange for everybody to have a seat with a microphone.

I might also add at this point, as people are getting ready, that I had neglected to indicate earlier on in today's proceedings that members of the NDP caucus, although unable to come today, did convey to the clerk their agreement to our proceeding in their absence, for which I am grateful.

Mrs Cunningham: Mr Chairman, would it be appropriate if I were to introduce the applicants?

The Acting Chair: Yes, that would be fine.

Mrs Cunningham: It is my pleasure to introduce the applicants to Bill Pr70, An Act respecting the Human Resources Professionals Association of Ontario.

Ms LeGault presented the substance of the bill last week and we came to some disagreements and some clarifications. I should mention that Bob Mackenzie particularly asked that we take some time so that the two associations could get together and talk about some differences. That was the purpose of the delay.

I will leave it to Ms LeGault to introduce the Human Resources Professionals Association members to the committee today as well as others who are objecting.

1130

Ms LeGault: With me I have Ross Finlay, executive director of the Human Resources Professionals Association of Ontario, and Jim Shields, registrar of the association. For the benefit of those who were not present last week, I will very briefly explain who we are.

The Acting Chair: Before you go on, I would like just to know who is an objector at this point.

Ms Gunther: I am Jane Gunther, president of the Canadian Public Personnel Management Association. Nancy Magwood was unable to be with us today, but Kumar Singh, who is the incoming president of the Metropolitan Toronto chapter, is here with me.

The Acting Chair: Thank you very much. Ms LeGault.

Ms LeGault: Let me just tell you very briefly who we are and why we are here today. The current association actually was formed 54 years ago as the Personnel Association of Toronto and has had some name changes over the years.

Since 1949 the personnel association held discussions with the University of Toronto concerning a course in personnel administration, and U of T offered the first six-course program in 1966. That led, in 1980, to the certificate in personnel management, or CPM. This certificate is still currently offered. There are currently 661 graduates of this program, with approximately 2,000 individuals currently in the process. This certificate is offered through 22 community colleges and 16 universities in Ontario. As well, the association itself offers over 100 professional development programs.

As I am sure you are all aware, the field of human resources has become increasingly complex for those who practise it, and it will only continue to do so, especially with, for example, pay equity legislation and the proposed amendments, the workplace hazardous material information systems program, the proposal for employment equity, the amendments and guidelines under the Ontario Human Rights Code.

It is our position that the complexity of workplace issues is best met by competent and qualified human resources professionals. As well, we would submit that the impact on individual employees of violations of human rights, equality and employment standards legislation in particular is minimized where you have certified trained professionals working in the workplaces and bound by a code of ethics and a discipline procedure.

This act before you, Bill Pr70, basically allows the HRPPO the exclusive right to grant the designation of CHRP, certified human resources professional. This will be based on course work and/or work experience in the field. In other words, if someone has, for example, 10 years of experience but has not taken any of the formal courses, he could still go through a peer review process and be deemed qualified.

I wish to stress that this bill does not in any way restrict anyone from working in the human resources field. As you can see, the bill sets up a disciplinary process and an appeal process as well. All members will be bound, as they currently are, by a code of ethics.

It is also our submission that this bill is in the public good. Ontario is a multiracial society and we have multicultural workplaces. As a result, Ontario is a province with equal pay legislation, pay equity, sophisticated human rights legislation etc. Ethics, fairness to our workers and a workplace that offers dignity and respect for differences are all becoming increasingly important in Ontario. For this reason, the association proposes a disciplinary process and continuation of the code of ethics.

The Ontario government is also increasingly concerned over the safety of workers. Witness the WHMIS program, and Bills 208 and 162, which amend the Workers' Compensation Act and the Occupational Health and Safety Act. Human-resources-related legislation and regulations and the common law from the courts are increasingly complex. We would submit that standards of competence and qualification help to ensure that workers are protected, the laws are not broken and employers and employees are both well served.

I have noted that the bill does not restrict anyone from working in the human resources field. Let me clarify briefly what this bill does, as I think there was a bit of confusion over that last week.

The association already has corporate powers; it can set standards, it can offer courses, it can give out certificates and it can fulfil the various other objectives set out in this bill. It already does so. What this bill does is add only two items:

(1) It protects the public by making it an offence to hold oneself out as a certified human resources professional when one in fact is not. (2) The bill sets out an appeal process for those denied membership, and this would include judicial review by the courts, which, as you know, applies standards of fairness and natural justice to administrative procedures.

That is what this bill adds to the current corporate powers of the HRPPO. We would submit that these are both laudable objectives.

Last Wednesday an objection was raised by the Canadian Public Personnel Management Association, whose members, as you can see from its name, work in the personnel field but in

the public sector exclusively. I would like to deal briefly with that objection at this point in time.

It is our understanding from what we have been told by the other association that it does in fact support professional qualifications and standards in this field. However, they are interested in Canada-wide standards only. I wish to point out that the HRP AO is a provincial body with a provincial mandate. On the other hand, the CPPMA, the objector, has no Ontario mandate and has not surveyed its members. The association for which I am appearing has in fact surveyed its membership and has a strong mandate to proceed in Ontario with this setting of standards.

Canada-wide standards, for your information, have indeed been looked at in the month of March of this year in Manitoba. However, it is a long, long time before we could ever get to Canada-wide standards. At this point in time only Ontario and three other provinces even have provincial personnel associations in existence. The objectors note that there is a situation in Alberta which they favour, but I wish to point out that in Alberta what has been achieved is the formation of a provincial association which is now working on an academic accreditation. In other words, in Alberta they have just reached the point where HRP AO's predecessor was 24 years ago. I also wish to point out with respect to this plea for Canada-wide standards that no Legislature in Canada could in any event grant a right to set Canada-wide standards. This will have to proceed on a province-by-province basis in any event.

The process of setting standards has to start somewhere. We believe Ontario is an ideal place to start. First of all, unlike the other provinces, Ontario already has the infrastructure in place. There is a professional association. It has a large membership base; it is the largest in Canada by far. As of 15 May 1990 there were 6,552 members of this association. Our association has the members' mandate to proceed, the courses and certificates are already in place, a liaison was established many, many years ago with the colleges and universities, and the budget is in place for setting of professional standards.

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Another reason for starting with the province of Ontario is that the Ontario government has for some time been taking the lead role in setting the trend in labour issues and protection of workers. The HRP AO has been a support to that leadership role. HRP AO is currently used as a consultative resource by the Ontario government on legislative initiatives and the association helps to ensure that the initiatives of the Ontario government are backed up by a powerful province-wide association.

Last Wednesday a concern was raised by one member of the committee, who is not present today, over the degree of consultation between the HRP AO and the objecting association. Ross Finlay will briefly outline for you what types of consultation have taken place.

Mr Finlay: We did meet with the CPPMA on Monday of this week. During that meeting, HRP AO made commitments to CPPMA around the potential collaboration for exploring the possibility of national standards for human resources professionals in Canada. Those commitments were outlined in a letter from myself to Jane Gunther, the national president of CPPMA, copies of which were filed with the clerk of the committee. Specifically, we put forward that:

"1. HRP AO will invite the CPPMA to participate in any meeting of human resources associations for the purpose of discussing national standards that HRP AO sponsors.

"2. HRP AO will strongly urge any human resources association that is sponsoring a meeting for the purpose of discussing national standards to invite the CPPMA to participate.

"3. HRP AO will create a liaison position within its professional standards portfolio to support CPPMA in its efforts to establish a national standard.

"4. HRP AO will work with any provincial association to help them establish professional standards for their members."

We also stated at our meeting that should CPPMA generate any other ideas in areas in which our two organizations could co-operate, we would be pleased to consider them.

HRP AO has supported dialogue and information-giving on the subject of professional standards with many other organizations. As we stated last Wednesday, we have a history of information-sharing, discussion and cross-membership with CPPMA.

Specifically, in 1977 we began developing a professional standard certification program jointly with the CPPMA. They withdrew.

In 1987 the chairman of our association, who was also a member of the CPPMA, made a presentation on our efforts on professional standards to a meeting of the CPPMA at its request.

Through 1988 and 1989 our efforts were widely written about in a national human resources journal, the *Globe and Mail* and the *Human Resources Professional* magazine, as well as advertised and discussed at our conferences.

Our efforts to achieve a professional designation through legislation were appropriately advertised in the *Ontario Gazette* and in the *Globe and Mail* in the month of February of this year.

On 1 March 1990 our association hosted a meeting of personnel associations from across Canada to discuss issues of national standards. CPPMA was invited and Jane Gunther attended.

Later in March, Manitoba hosted a meeting of those same associations and chose not to invite the CPPMA. I personally urged the Manitoba association to reconsider this. However, after the meeting in Manitoba, I did then call Jane Gunther and discussed at length the issues that were reviewed at the Manitoba meeting.

Again, on 24 April 1990 the senior vice-president of our professional standards portfolio, along with myself, spoke to the Toronto chapter of CPPMA about our efforts towards this legislation.

Over all of these years, many public sector human resources professionals, including CPPMA members, have participated fully in our educational programs, seminars and conferences and have had the opportunity to know about this association's commitment to enhancing professional standards of our profession in Ontario.

Currently, 157 of our members belong to the public sector. We have, over the last couple of years, records that show 233 public sector employees who were not members of this association took full advantage of our seminars and conferences through their attendance.

Finally, I would add that we have had no opposition from any other HR-related associations that do have a provincial mandate.

During both of the March meetings, a number of things became clear:

1. Contrary to CPPMA's notion that our endeavours would prejudice its work, other associations looked on our efforts as paving the way and providing them with a model. There was support and excitement for the profession.

2. Only four provinces, including Ontario, have provincial associations. Most have only small, community-based associations and do not have the membership base or the resources to proceed in their province with this kind of effort.

3. Very few of the provinces have at this time the educational infrastructure that Ontario has to support academic certification.

4. National standards could only be achieved one province at a time. Each would have to develop, resource and sustain its own professional standards to meet unique provincial requirements before a national effort could be made.

What I have been attempting to illustrate is that HRPAO has had a long and consistent history of supporting professionalism. We have been talking with other associations, human resources practitioners, educators and the public at large at every opportunity. We have made no secret about our commitment, nor our effort. We have given everything we can to support our members' desire for ethics and standards worthy of their profession.

Ms LeGault: Subject to questions, those are our submissions on behalf of the bill.

The Acting Chair: In light of the fact that this was gone through last time, do committee members want to ask questions now or do you want to wait and have the other parties make their comments? I am somewhat mindful of the time as well. Do you want to ask questions right now?

Interjections.

The Acting Chair: All right, Mr Bossy and Mr Reycraft.

Mr Bossy: As you may know, there has been quite a bit of publicity created because of a fairly good lobby that has been put on by the Personnel Association of Ontario. As I have to assume, on the basis of what has been presented to me, the main concern is strictly the change of name. Really, I feel that the people who are presently there are professional in their own way to start with, so they are not going to be any more professional because of the change of name. Recognition, I guess, is the big factor, as has been explained to me in my office in Chatham and also here.

I am troubled with that, whether you are in the process of creating a situation whereby it would be more difficult to achieve recognition as a professional or certified professional. This is where we see that name come forward here—"certified human resources professional." But it is an organization that changes. "Personnel Association of Ontario" does not indicate that it is too restrictive. As soon as you change the name, it sounds more restrictive because of the fact that we are talking about certified human resources professionals.

I have had the feeling from the people I have met, who are very dedicated to their cause, that it would create more of a closed-shop atmosphere. I do not know whether that is the right kind of wording. Whether the personnel will improve, that is something I have a hard time understanding, whether there is going to be an improvement in the people who are extending the services. So I have had some difficulty with this.

Do you strongly feel that by changing its name—and in this bill that is what we are dealing with. The content within is not heavy, but what I read within just re-emphasizes what the association was before. But the key here is the name change, creating a new acronym and adding it behind one's name, once you have achieved a certain plateau within your organization, to get the recognition as a certified human resources professional. Does it change the service you render?

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The Acting Chair: Mr Bossy, just so you are clear, there is the element of the use of the word "certified" in the bill. As I understand it, with the amendments that are proposed, which you should have received a copy of—I hope you did—the preamble would be amended to correct things to indicate that the name change had already taken place. I realize that the question of certification and use of the word "certified" and what not is different, so I just wanted you to be aware of that fact. I am not sure whether that alters your view or not.

Mr Bossy: Not really. I am more concerned that there is a feeling among your people—the association, I should say—that you do not feel you are getting the proper recognition because of being called the Personnel Association of Ontario and that you could get better recognition by going to the Human Resources Professional Association of Ontario.

Ms LeGault: As I noted, this corporation already has a number of corporate powers, and one of them is to change its name. In fact, it has changed its name already, from the Personnel Association of Ontario to the Human Resources Professionals Association of Ontario.

Mr Bossy: I gather that from the letter.

Ms LeGault: In a way we were responding to workplace forces. What we have found is that your average company in Ontario, for whatever reason, no longer has a personnel department and a personnel manager. They have all been changing their names over about the last eight years, I would say, to the human resources department. You now see "human resources" as the common term replacing "personnel." As I say, in a way we were responding to that change in terminology. We found that our members were no longer called "personnel officer" or "personnel manager" and we felt we should change our name to keep up with the times and with the designations that our members already had in their own companies in which they were working.

Mr Bossy: That is the best explanation I have heard yet. I thank you for that.

Mrs O'Neill: I would like to ask you to be a little more explicit when you say this is to protect the public interest.

Ms LeGault: The reason we say it would protect the public interest is that if and when this bill is passed, only someone who has actually gone through the peer review process and/or has actually completed all of the designated courses has the right to hold himself out as a certified human resources professional. If you have not completed the courses and received a designation, it is an offence for you to call yourself certified in this area. Therefore, when a company is hiring someone into this position or when employees are dealing with their own human resources department, they know who they are dealing with. They know this is a person who has been certified, bound by a discipline procedure, bound by a code of ethics, who has passed the courses, understands the Ontario laws, regulations, legislation and common law of the courts in this, as I say, complex area. In that sense, employers know the person is truly qualified and the employees dealing with their own managers know they are qualified.

As well, it helps to protect the public interest in that it protects these HR managers. I am sure you saw some articles a while ago about a company in Toronto where the management team issued orders not to hire members of certain races, and the

human resources manager quit in the midst of a great deal of publicity over this. By supporting someone like that in his decision to quit, by having this body behind him and by having him bound to his own disciplinary process and code of ethics, we feel we can be a support to those HR managers who are placed—I will not say often but sometimes—in a difficult position within their own companies.

The Acting Chair: I take it there are no more questions from members of the committee. I would like to turn to Ms Gunther and Mr Singh for their presentation.

Ms Gunther: I will just briefly go over our position from last week again. The Canadian Public Personnel Management Association is an association with members in all the provinces and the territories in Canada. We have about 1,500 members across the country, although we do draw a lot more of the public sector workers to any of our events. We are also affiliated with the International Personnel Management Association, which is worldwide. So we do have quite a wide membership and representation.

It is true that we have a Canadian mandate. Our members work in provinces and as such they are covered by provincial legislation and work under the same conditions as members of the HRP AO. However, our objection to the bill in the first place is that we felt it set up unnecessary barriers between private and public sector workers in that these standards and this designation were being established for the Human Resources Professional Association of Ontario, whose members come mostly from the private sector. Our members, in fact, move back and forth. We have employees in our government jurisdictions who have come from the private sector and we have members within the public sector who will move to the private sector. So we see that the designation and the requirement to be a C HRP as controlled by the Human Resources Professional Association of Ontario sets up boundaries to this movement between the various public and private sector jurisdictions.

Likewise, in terms of our Canadian mandate, people do move across the country. Even members of HRP AO would belong to national organizations which would move them from Ontario to Alberta or Quebec or any other jurisdiction. That supports why our purpose, in the end, is to have these national standards. That is our long-range goal that we would see.

It is true that as a national organization, if we wanted to introduce similar legislation, we would have to do it in every province. We appreciate that there is no federal provision to be able to do that. I will just say that following discussions last week—

The Acting Chair: I am sorry to interrupt, but can you just either repeat or expand on what you said? There is no federal equivalent; is that what you are saying?

Ms Gunther: As I understand it, we are incorporated under the federal jurisdiction, the federal Department of Consumer and Corporate Affairs, but you cannot introduce legislation through the federal government for professional designations on a national basis. That would have to be done on a province-by-province basis.

Following that, and as Mr Finlay has alluded to, we did meet on Monday. It was a fruitful discussion. We have also had some discussions with Mrs Cunningham—and she was most helpful—and legislative counsel so we would better understand the process of professional designation.

We welcome HRP AO's commitment to involve us in national efforts, but we do want to go on record as saying that we

believe we have to start within our own province first. I do not think that we, as an organization or as a human resources profession, are going to start at the top, that we are going to build standards across the country. We will have to build them within the various provinces and then work towards having national standards, so that we have to come at it from both directions.

Although, as they have said, they have agreed to involve us in any national discussions they are involved in or can influence others to do so, unfortunately we were not able to reach any agreement with respect to how we now approach the province of Ontario. That is our concern because in Ontario, where our members belong, if they wanted to be seen as certified and in the same status, if you will, as members of HRP AO, we would be required to come forth with a bill ourselves to create another designation, something like "registered human resources professional." It could not be the same designation, but there is nothing to preclude our association or any other human resources association now coming before the Legislature to request a bill to cover its members. We do not think it is in the best interests of the profession of human resources professionals themselves to have many bills covering members of different associations. We think we should be working collectively for the human resources professionals in the province of Ontario.

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Let me respond to the comments that were made.

It is true that CPPMA was involved with the then PAO many years ago. CPPMA in fact did withdraw from or did not participate in discussions with respect to moving to a credentialized program in the late 1970s. There were certain policies in effect for CPPMA at that time. Most of our members work with provincial jurisdictions, and credentialism is an employment equity issue; it sets up artificial barriers to many people seeking employment in certain fields.

We have since reviewed that and have established policies with respect to certification in that we will pursue a national certification program with respect to having standards. What we have not surveyed our members on is a professional designation set out in the legislation. We in fact basically have the agreement of our members in the various chapters across the country, we have policies established by executive council, we agree with the concept of certification. The issue of whether it should be a professional designation set out in law is what has not been surveyed yet.

Mr Finlay mentioned the Alberta experience. We do support that concept where there is an independent board and member associations and individuals in the human resources profession can become certified through that board without belonging to any association. Our objection here once again is that a certified human resources professional will be seen as having status, it will be seen as an act of the Legislature, but it is controlled by the Human Resources Professionals Association of Ontario, and to receive it you must be a member of that. That is our objection.

Also, in terms of Alberta—and Mr Finlay would maybe know more—I see it as very similar to what HRP AO has done in that it is a combination of education and experience. It is not set out in the Legislature, though. It is not an act. It is an independent board that is self-governing.

I am open to any questions.

The Acting Chair: Does the companies branch have any comments about this bill?

Mr Doppelt: Our only comment is that we have no objection to the passage of the bill.

The Acting Chair: Is there any information on hand as to what the views of the Attorney General's office are?

Ms Mifsud: The Ministry of the Attorney General has sent me a letter stating it has no objections to the private bill.

The Acting Chair: I would just like to be clear as to the position of the objectors. Is it your position that this bill—and there are two proposed amendments at this point—should simply not be proceeded with at all as opposed to amending something in it?

Ms Gunther: That is a difficult situation, because what we would see, as I mentioned, preferably would be some sort of independent board that all associations could participate in or that human resources professionals could be certified through.

The Acting Chair: I appreciate that you may have some other views about what should happen, but this committee is dealing with this bill. Is it your position that the bill should not proceed or is it your position that the bill should be amended?

Ms Gunther: The bill should not proceed.

Mrs O'Neill: May I have a clarification from the presenters of the bill regarding the grandfathering of who may be a member?

Mr Shields: I am not quite sure about the question. In terms of membership, or did you mean—

Mrs O'Neill: There are objections from the Canadian group. You said something in your presentation about the certification, the six courses at the University of Toronto and experience and any combination of those. What kind of grandfathering is meant? There has to be a cutoff point at this moment, because things are going to change.

Mr Shields: The human resources professional designation, not registered at the time, commenced in 1989. It is already in effect for some 2,800 people. The grandfathering that took place was after a very intensive advertising campaign and editorials in national human resources papers. The grandfather period was from 15 February until 1 June of last year. As I say, roughly 2,800 people took advantage of that at that time.

There is entry for people to receive what we now call the CHRP as a result of two processes. One is to take the certificate in personnel management, which has courses presented in 22 community colleges and 16 universities, plus being a full member, which requires three years' full-time experience in the HR field. That is one way.

The other way is for a person to apply through the peer review process, which was designed to allow entry of people who had been in the field a long time and may not have taken recent courses, or in fact any courses, in the human resources field, having gained their knowledge through experience. The peer review process is simply that: A group of senior practitioners receive the résumé, interview that person and decide whether he does or does not qualify for the designation of certified human resources professional.

Mrs O'Neill: May I have a response from the objectors to that second entry process? Why would it be necessary to set up yet another body? Would that just be preference? It certainly looks like it would be preference rather than necessity, if you as a Canadian group wanted to set up another Ontario body.

Ms Gunther: The right to the CHRP is through membership in the association. We are one of a number of human resources professional associations in the province, so our members, CPPMA members, could not receive this designation. You can only receive it by paying dues to the Human Resources Professionals Association of Ontario.

Mrs O'Neill: And the memberships are not terribly congruent. Is that what I am understanding?

Ms Gunther: Our focus, our mandate, our objectives are all very similar, which is why we see working towards a common standard and a common designation that could be shared by all associations in the province.

Mr Bossy: I still want to hear how you achieved a change of name.

Mr Shields: The name, as Ms LeGault said earlier, was in response to the market. It does coincide with the certified human resources professional. The two are congruent, but they happened actually as a result of—

Mr Bossy: The procedure is what I am trying to get at. What procedure did you follow to achieve it? It still comes back and is named in subsection 1(1) here, where it says that this will then, because of this act, be renamed: "The Personnel Association of Ontario is continued as a corporation without share capital and renamed the Human Resources Professionals Association of Ontario." Should this have been mentioned in here?

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Ms LeGault: The confusion arises because of timing. When we drafted this bill originally and it was printed, we still had the old name. In the interim, we have changed the name officially with government, and that is why there are two amendments proposed by way of motion. That is one of the sections that would have to be amended and shortened actually, because there is no requirement for legislation to change the name any more.

The Acting Chair: There appearing to be no other members who want to ask questions, I have a series of questions. I guess I will start by focusing on the CPPMA. How do you become a member of that organization?

Ms Gunther: To become a member, you apply through the local chapter or the national office. There are no criteria other than working in the public sector in the human resources field in any capacity, or in—

The Acting Chair: Am I eligible to join?

Ms Gunther: If you are interested in furthering human resources management work in the public sector.

The Acting Chair: I guess I do not quite understand the process here. Theoretically, I am eligible as an MPP. It sounds like I fit the criteria, if anybody does. I am eligible to join. I have not got any expertise. I have not got any background or training in a recognized format, although I think we all get training in a way in our community offices. It is a national body nominally, but in fact you have no power to ever become recognized on a national level, other than applying province by province.

As an individual who belongs to your organization, you could be a member of the applicant. They have gone through an extensive qualifying period. They have a grandfathering period.

They have standards. They now want to introduce a greater degree of disciplinary backbone, if I can put it that way, to their association and for the benefit of anybody who is a member. They have been around a long time. It is not as if this is just an offshoot or a secondary development in the process.

They are clearly a large organization and, if I understand the comments that have been made by you and the written letters relating to the meetings earlier, there is no opposition in principle nor does there seem to be any reason for there to be opposition in terms of their self-interest, in having co-operation and co-ordination with your body and indeed with other provincial bodies.

Given all of those circumstances, I am a little bit at a loss to understand how it would be harmful to the public interest if this bill were to proceed to give them essentially the ability to be a more effective disciplinary body than they are currently.

Ms Gunther: Maybe I was not quite accurate in how I described membership. You do have to be engaged in or working towards the development of human resources management in the public sector. You would be working in that field to be a member of our association.

The Acting Chair: I am not trying to be hard on anybody, because I have no self-interest in what happens here. Indeed, as the Chairman, unless a tie happens, I am not even going to be voting. But I have a hard time understanding in what respect it would be contrary to the public interest to give recognition to this body now, the applicant, in the way it seeks. It certainly falls within precedent. In this committee, I have seen lots of other similar kinds of circumstances.

Given that there is no prospect on the foreseeable horizon that there will be an alternative body or an alternative set of standards that somehow jeopardizes what they are doing—there does not seem to be that prospect at all—there does not seem to be a prospect of anybody disagreeing with them. Rather, everybody might be working together more effectively.

Ms Gunther: There is a variety of initiatives going on across the country. There is the Alberta experience where the associations are working together to establish standards. The Personnel Association of Ontario—it is easier to refer to PAO—is a very large organization within Ontario, but there are many other human resources professionals in the province who do not belong to that organization. Our concern is with them.

I should say we are incorporated currently under the federal department legislation. We do have codes of ethics, we do have standards now with respect to certificate programs ourselves, both in this province and in other provinces. So we do ourselves have standards and ethics in place and we are working—

The Acting Chair: I am not suggesting you do not. I just do not quite understand the argument. I am not understanding what the prejudice is to the public interest.

Ms Gunther: We see that it would be better for the profession if we were working to a common human resources professional designation, so that everyone is first of all a human resources professional and then belongs to his or her association. There are some more specialized types of associations. There is the Canadian Compensation Association, whose standards are very rigorous, to get their designation right now. But it

is not a certified one; it is not certified through the Legislature type of thing.

The Acting Chair: Unless I misunderstood, though, I have not heard anybody objecting to that. I have not heard anybody say that is not desirable, but if I understood the facts that were related by everybody, at the very best, having that agreement across all the provinces, if it would be different at all from what the applicant is currently doing, it might be quite some time away.

You have indicated you have not surveyed members, and I take it there may be other groups. It strikes me that if there was a consensus among all the groups to have those standards—and by definition, you would not have that national agreement unless you had done an awful lot of discussion to get there—presumably if it was different from what the applicant is proposing now, everybody would simply come back and essentially by consensus there would be some further change. Is that not an accurate statement of what would happen, if it happens at all?

Ms Gunther: Yes, if it happens at all. But we will be working on a provincial base first, not on a national base. If we wanted a designation in Ontario, we would still have to come through the Ontario Legislature to receive that.

The Acting Chair: I am mindful of the time. Are there any other members with questions?

Mrs O'Neill: I have some amendments to present.

The Acting Chair: Mrs O'Neill moves that the preamble to the bill be amended (a) by inserting after "1979" in the fourth line "and by supplementary letters patent dated the seventh day of June 1990 changed its name to the Human Resources Professionals Association of Ontario" and (b) by striking out "that the association wishes to change its name to the Human Resources Professionals Association of Ontario" in the 10th, 11th and 12th lines.

Is that amendment acceptable to the applicant? And the other one that has been circulated, is that also acceptable to the applicant? Thank you.

Motion agreed to.

Preamble, as amended, agreed to.

Section 1:

The Acting Chair: Mrs O'Neill moves that subsection 1(1) of the bill be struck out and the following substituted: "(1) The Human Resources Professionals Association of Ontario is continued as a corporation without share capital."

Motion agreed to.

Section 1, as amended, agreed to.

Sections 2 through 12, inclusive, agreed to.

Title agreed to.

Bill, as amended, ordered to be reported.

The Acting Chair: Subject to any other comments, we are adjourning until next week, Wednesday.

The committee adjourned at 1220.

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STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

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 Jackson, Cameron (Burlington South PC)
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 Reycraft, Douglas R. (Middlesex L) for Mr Callahan

Also taking part:

Ballinger, William G., Parliamentary Assistant to the Minister of Municipal Affairs (Durham-York L)
 Dietsch, Michael M. (St. Catharines-Brock L)
 Runciman, Robert W. (Leeds-Grenville PC)
 Smith, David W. (Lambton L)

Clerk: Freedman, Lisa

Staff: Mifsud, Lucinda, Legislative Counsel

T-9 1990



T-9 1990

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Clerk: Lisa Freedman

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Comité permanent des
règlements et des projets de loi
d'intérêt privé

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

Wednesday 27 June 1990

The committee met at 1010 in committee room 1.

SIoux LOOKOUT DISTRICT HEALTH CENTRE ACT, 1990

Consideration of Bill Pr59, An Act respecting Sioux Lookout District Health Centre.

The Chair: The first bill we have this morning is Bill Pr59. I understand that Mr Miclash is trapped or cannot get here. Ms Oddie Munro is going to introduce the people who are appearing on this matter.

Ms Oddie Munro: I have great pleasure in introducing Ms Nan Brooks, a law student, and Robert Hickman from Sawers, Liswood, Scott. Hickman, who will introduce the act respecting the Sioux Lookout General Hospital, which essentially is asking for a transfer or a separation from the town of Sioux Lookout and incorporation of the hospital itself.

The Chair: I would not want to deprive you of any introduction, but I think I can speak for myself and perhaps the other members. We have all had a chance to read it. I do not think there is anything terribly complicated about it. Unless there are some questions from the members, perhaps we can deal with it very expeditiously.

Mr Tatham: Just through to the folks, when you put these people on the board, are they on for three years? Do you have them appointed for a three-year period altogether or do you have them staggered?

Mr Hickman: The Public Hospitals Act requires that there be a rotation of members on the board of the corporation of at least four members per year, so what happens is they are staggered. Usually the first election is one, two and three years and then after that three years each.

Mr Tatham: Okay; thank you.

The Chair: Any further questions from any other members of the committee?

Sections 1 to 8, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: Thank you very much. Have a safe trip back to the Sioux.

Interjection: They were a Toronto law firm.

The Chair: Were they a Toronto law firm? Have a safe trip back to the Toronto law firm. You would probably be safer going back to the Sioux.

EMPIRE CLUB FOUNDATION ACT, 1990

Consideration of Bill Pr87, An Act to revive The Empire Club Foundation.

The Chair: We now have Mr Polsinelli sponsoring Bill Pr87. An Act to revive The Empire Club Foundation. Again, Mr Polsinelli, I think everybody has had a chance to look at the material. It is a standard revival.

Mr Polsinelli: That is what it is.

The Chair: I do not want to deprive you of the right to get your voice on the record.

Mr Polsinelli: I would like to introduce William Whiteacre, who is solicitor for the Empire Club Foundation. This is a straightforward corporate revival. He is here to answer any questions, if the committee has any.

The Chair: Any questions from the members of the committee? Are you ready to vote?

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: Thank you very much; it is a marvellous job you did there, Mr Polsinelli. I commend you for your eloquence.

ST GEORGE'S SOCIETY OF TORONTO ACT, 1990

Consideration of Bill Pr90. An Act respecting St George's Society of Toronto.

The Chair: The next item on the agenda is Bill Pr90, An Act respecting St George's Society of Toronto.

Mr Reville: My timing is just in the nick of. In latin you say in ipso negotio. You will probably recall that.

The Chair: Perhaps you would introduce the people to your left.

Mr Reville: The person to my immediate left, although probably not politically—I never inquired—is my old friend Bob Woadden, with whom I served for many years on the city of Toronto council, as did some of your committee members. For many years he was in charge of the whole city. To his left is Fred Burnard, who is the secretary of the St George's Society.

Bill Pr90 is a very simple amendment. When the society was first formed in 1858, bylaw changes had to be advertised in two Toronto newspapers. I do not know what the newspapers were called in those days, probably the Empire and Planet or something. It was not very expensive to do that in those days. It is extremely expensive to change a bylaw by advertising in two Toronto newspapers today. Basically the society is before you today to make a change so that its bylaws can be amended in a less expensive way. I will leave any of the detailed explanation to my two colleagues. I certainly support the intention of the change myself.

The Chair: I think the bill is pretty straightforward. Unless there are some questions from members of the committee, your eloquence has equalled Mr Polsinelli's.

Mr Ruprecht: Just a comment: I have had some dealings with the St George's Society and I just want to let members know that it has been extremely co-operative in helping to do my research on the book that is coming out next week.

The Chair: Careful. The vote may go the other way. We are ready to vote, Mr Ruprecht. Let's not blow it.

Mr Ruprecht: I abstain.

Sections 1 to 5, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

Fee-waiving motion agreed to.

Mr Kanter: Just before these gentlemen leave, I want to add my compliments. I certainly knew Mr Woadden also. When I served on the Toronto city council he was the deputy clerk and also the first archivist of the city. I think there are three of us on this committee who have had the honour of serving when Mr Woadden was on Toronto city council.

The Chair: Thank you. Mr Reville, you were eloquent.

Mr Keyes: Can I make a suggestion that those fees cannot be applied to the campaign.

Mr Kanter: Absolutely.

The Chair: What campaign? What are we talking about?

DINORWIC METIS CORPORATION ACT, 1990

Consideration of Bill Pr93, An Act to revive Dinorwic Metis Corporation.

The Chair: We come back to Bill Pr93. Mr Mclash is elsewhere; he cannot be here. I understand there is no applicant, but it is not required by our rules, so we will deal with that. It is a corporate revival. It looks pretty straightforward, unless there are some questions from members of committee on it.

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

CITY OF THUNDER BAY ACT, 1990

Consideration of Bill Pr92, An Act respecting the City of Thunder Bay.

The Chair: The next bill before us is from Mr Kozyra, Bill Pr92, An Act respecting the City of Thunder Bay.

Mr Kozyra: It is my pleasure to introduce Allan McKittrick, counsel for the city of Thunder Bay and Bill Pr92. The purpose of the bill is to make the Trespass to Property Act apply to the pedestrian promenade located on any land described in the schedule which does not form part of a public highway. Mr McKittrick will be glad to elaborate.

The Chair: Sorry; you said something and I missed it.

Mr Kozyra: Yes, I did.

The Chair: I guess I will have to read about it in Hansard.

Mr Kozyra: I am going to charge overtime.

The Chair: I understand this is to amend the Trespass to Property Act to provide for a public road becoming applicable to the act.

1020

Mr McKittrick: It is a little bit different from that. The City of Thunder Bay Act now provides that the city, as part of a redevelopment plan, could establish what is known as a pedestrian promenade on a public highway. The requirement, therefore, was that first there be a public highway before the structure could be constructed, and the structure acts really like a shopping centre. It is enclosed. It is closed at night and so on and it has kiosks. The catch-22 of the legislation was that it was required that this be on a highway even though it bears no resemblance to a highway. I have a picture which gives you an idea of what we are talking about. It is really like a shopping centre, but there it was sitting on a highway.

The purpose of the legislation is, first of all, to delete the requirement that it sit on a highway so that the city could establish on the specified lands whether those lands were a highway or not, and having amended the original legislation to delete that requirement, to provide that if the structure was not on part of a highway then the Trespass to Property Act would apply as it would apply to other municipal properties. The exercise that council has adopted is to make this application and then it would be necessary to obtain the consent of the owners of abutting lands to closing the highway after which the trespass legislation would be effective.

The Chair: Members, you have the material before you. I understand there are no objections to this by government representatives, except that there is a letter there from Mr Fram to Mr McKittrick.

Mr McKittrick: Yes.

The Chair: Has that been resolved?

Mr McKittrick: Yes, it has been. The objection really centred on the possibility that the Trespass to Property Act would apply to the pedestrian promenade on a highway where the highway still remained open. I have discussed that with Mr Fram and at one of the earlier versions, an earlier draft of the legislation, the reference to that fact was deleted. I think possibly it was an oversight, but the legislation now clearly reads that this only applies to parts which are not on a highway. In my last discussion with Mr Fram, he was satisfied and I believe his office can confirm that this morning.

The Chair: There is nobody here so I presume that you have—is there someone here regarding this?

Ms Oddie Munro: I am just looking at the board's suggestion on prohibiting access to and use of the promenade itself. It would reduce, if not totally get rid of all of the kinds of behaviour you have been experiencing in drug-related incidents, etc?

Mr McKittrick: Yes.

Ms Oddie Munro: What is going to happen then to those people who are involved in those kinds of activities? Is there just going to be another sort of a movement of those people there?

Mr McKittrick: We have worked in consultation with the police force about this problem and so on and it supports the legislation to be able to utilize the trespass legislation. We do not really think that because people are barred from the premises, that will correct their behaviour. They will probably go somewhere else. They will not be as concentrated. This particular mall it has attracted them because it is a street that is covered. It is warm. You can spend your time there in the winter and so on. I do not think this is guaranteed to correct those people, but it will certainly not permit them to concentrate in the city-owned premises.

Miss Martel: I have a couple of questions. I am not as much up on the Trespass to Property Act as I should be, so I am not sure of the effect of this, if you get this applied. What will happen then if in fact you get what you want here today to these people? Are they going to have written notices of why they cannot be in the mall, or are they going to be hustled out by security officers much more quickly than they normally would have been?

The Chair: You have to give them notice in writing and if they wish to return after that, they could be charged with a fine up to \$1,000, I think.

Mr McKittrick: Under the present legislation, the Trespass to Property Act, I do not think you require written notice. Under the new act, which is proposed and pending, then you have to give notice, you have to give reasons and there is a limitation on the time when they can be out.

The city's original plan was to simply have the Trespass to Property Act apply to the pedestrian promenade even though it remained a street, and for the city to wait for the general amendments to the Trespass to Property Act to go through. However, that did not happen in the anticipated schedule and there was a great deal of pressure on the council from the merchants, from the public and so on, so the city recognizes that really what this does is to give the city the same right for this structure as other shopping centre owners have.

The city recognizes that ultimately, when the changes to the general legislation go through, those restrictions on what you can do in terms of giving trespass notices will apply to this as well.

The Chair: Does the present act not call for posting or for—it has a pretty serious follow-up on that, that the person can actually be arrested without a warrant.

Mr Tatham: There has to be a notice posted before you can do that?

The Chair: There has got to be a notice posted or something given in writing for the person.

Mr McKittrick: I have the act here.

The Chair: Maybe you could help me out with one other question, if you do not mind. It refers to "person" in that act. Does that include a corporation? To go further, does that include a government body, whatever that government body may be?

Mr McKittrick: Yes, I think it does. It defines "occupier" in reference to a person and I think under the Interpretation Act a person would include a corporation such as a municipality.

The Chair: Let's say they were not a corporation. Let's say they were a government body, let's say the government of Canada or the government of the province of Ontario. Would the Trespass to Property Act apply if the land was owned by them?

Mr McKittrick: I think it does, myself, yes.

The Chair: Even though they are not a corporation?

Mr McKittrick: I think so. I think the province regards it that way in terms of the Ministry of Natural Resources, for example, enforcing the act on its lands. With respect to the means of the notice, section 5 of the act says, "Any notice under this act may be given orally or in writing." Under the new legislation something in writing is required.

The Chair: They would also have to give reasons.

Mr McKittrick: That is right.

Mr Reville: The applicants will be aware that there are some social policy and civil rights kinds of disputes around the Trespass to Property Act and its amendments and what not. You are not really involved in that part of the dispute. You are trying to get this legislation so that you can treat this promenade as though it were the same as, say, the Eaton Centre, and that is occasioned only by reason of the fact of this curiosity that part of it was the public highway.

Mr McKittrick: That is correct.

Mr Reville: It is not a matter to do with whether you favour the Trespass to Property Act or particular changes or not. You just need some legislation that you can use to try and deal with problems that occur,

Mr McKittrick: That is correct. The council is fully aware of the changes coming to the Trespass to Property Act.

Mr Reville: Fair enough.

Mr Tatham: The only other thing is that once upon a time they played classical music. That will help, musical harassment.

Section 1 to 6, inclusive, agreed to.

Preamble agreed to.

Schedule agreed to

Title agreed to.

Bill ordered to be reported.

CITY OF KINGSTON AND TOWNSHIPS OF KINGSTON, PITTSBURGH AND ERNESTOWN ACT, 1990

Consideration of Bill Pr97, An Act respecting the City of Kingston and the townships of Kingston, Pittsburgh and Ernestown.

The Speaker: The final item is Mr Keyes's, an Act respecting the city of Kingston and the townships of Kingston, Pittsburgh and Ernestown. Are we dealing with a United States city here?

Mr Keyes: It is a pleasure to appear before the committee. I will introduce Norman Jackson the city solicitor, city of Kingston, and Arnold Adams, from the township of Ernestown.

A year ago we were before this committee with a bill that established an area taxi commission in order to regulate the operation of taxis, taxi owners and drivers, etc, in the four municipalities that are party to the bill. The problem was that we omitted then and it was not picked up by anyone the fact that brokers should also have been included in such a bill. So we are here before you today to create a new bill that does include brokers. I will ask Mr Jackson to respond to any questions committee members may have.

The Chair: I do not think there are any questions from committee members. Ready to vote?

Mr Ruprecht: Mr Keyes has been so eloquent,

The Chair: That is true

Sections 1 to 3, inclusive, agreed to.

Preamble agreed to.

Title agreed to.

Bill ordered to be reported.

The Chair: You were eloquent, Mr Keyes. I think that just about does it. I would like to say goodbye to everybody. We will see you when we come back.

The committee adjourned at 1030.

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 Pollock, Jim (Hastings-Peterborough PC)
 Ruprecht, Tony (Parkdale L)
 Tatham, Charlie (Oxford L)

Substitution:

Keyes, Kenneth A. (Kingston and The Islands L) for Mr MacDonald

Also taking part:

Polsinelli, Claudio (Yorkview L)
 Reville, David (Riverdale NDP)
 Kozyra, Taras B. (Port Arthur L)

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